

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 13166) granting a pension to William Preston Hinton; to the Committee on Pensions.

By Mr. BULWINKLE: A bill (H. R. 13167) granting a pension to John R. Ligon; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 13168) granting a pension to Lottie Kyle; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 13169) granting a pension to Werner Snow; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 13170) for the relief of Ephraim E. Page; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 13171) for the relief of L. P. Kelly; to the Committee on Claims.

By Mr. J. M. NELSON: A bill (H. R. 13172) granting a pension to Margaret Corr; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 13173) for the relief of Randolph Foster Williamson; to the Committee on Military Affairs.

By Mr. RAINEY of Illinois: A bill (H. R. 13174) authorizing the President to appoint Richard Raymond Notter to the position and rank of lieutenant of Cavalry in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 13175) for the relief of Contes Bros.; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 13176) granting a pension to Henry Dyer; to the Committee on Pensions.

Also, a bill (H. R. 13177) granting a pension to Charles Burch; to the Committee on Pensions.

Also, a bill (H. R. 13178) granting a pension to John Johnson; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 13179) granting a pension to Samira E. Coopridge; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6514. By Mr. FULLER: Petition of sundry citizens of De Kalb, Kendall, and La Salle Counties, Ill., protesting against a tax on ammunition and firearms; to the Committee on Ways and Means.

6515. By Mr. GALLIVAN: Petition of the city council of the city of Chicago, Ill., favoring the passage of the Wadsworth bill; to the Committee on Interstate and Foreign Commerce.

6516. Also, petition of the Greater Boston Chapter, Military Order of the World War, of Boston, Mass., urging Congress to enact without delay legislation which will maintain an efficient and well-trained Army of 13,000 officers and 150,000 enlisted men; to the Committee on Military Affairs.

6517. By Mr. KISSEL: Petition of the American Farm Bureau Federation, Chicago, Ill., urging the loan limit of the Federal land banks to be increased to \$25,000; to the Committee on Banking and Currency.

6518. By Mr. LAYTON: Petition of various citizens of Wilmington, Del., protesting against the passage of H. R. 4388; to the Committee on the District of Columbia.

6519. By Mr. RAINEY of Illinois: Petition of the city council of the city of Chicago, Ill., urging Congress to appropriate immediately the money necessary for the construction of a new post-office building; to the Committee on Public Buildings and Grounds.

6520. By Mr. RAKER: Petition of the Placer County Farm Bureau, of Auburn, Calif., the Yuba County Farm Bureau, of Marysville, Calif., and Imperial Valley Camp, No. 62, United Spanish War Veterans, of Imperial Valley, Calif., indorsing the passage of H. R. 11449, providing for the construction of the Boulder Canyon Dam; to the Committee on Irrigation of Arid Lands.

6521. Also, petition of the San Francisco Chapter of the American Association of Engineers, San Francisco, Calif., protesting against the unmerger of the Southern Pacific and Central Pacific Railroad systems; to the Committee on Interstate and Foreign Commerce.

6522. Also, petition of the Shasta County Farm Bureau, of Redding, Calif., and the El Dorado County Farm Bureau, of Placerville, Calif., indorsing and recommending acceptance of the Henry Ford proposition for Muscle Shoals; to the Committee on Military Affairs.

6523. Also, petition of the Stauffer Chemical Co., of San Francisco, Calif., and C. F. Weber & Co., of San Francisco, Calif., protesting against the Kelly bill, to reduce second-class mail rates, and urging they be increased; to the Committee on Ways and Means.

6524. Also, petition of the city council of the city of Berkeley, Calif., and the city council of the city of Sacramento, Calif., indorsing H. R. 10212, by Congressman BACHARACH; to the Committee on the Judiciary.

6525. Also, petition of the Maydwell Co., of San Francisco, Calif., and R. R. Rogers, of San Francisco, Calif., protesting against the Kelly bill, to repeal 50 per cent of zone advance in mail rates of second-class mail; also, the Globe Grain & Milling Co., of Los Angeles, Calif., and Harry J. Reidsma, of Los Angeles, Calif., protesting against the Kelly bill, to reduce second-class mail rates, and urging that they be increased; to the Committee on Ways and Means.

6526. By Mr. SWING: Petition of various citizens of California, protesting against the passage of H. R. 9753; to the Committee on the District of Columbia.

## SENATE.

WEDNESDAY, December 6, 1922.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we approach this morning Thy throne of grace in the all-prevailing Name, and while we recognize the mercies vouchsafed we still confess our need of Thee. Without Thee we can not live properly, and we can not fulfill the high responsibilities of duty as in Thy fear. Be pleased to visit each heart and life, and grant a continuance of Thy favor through all the experiences of daily toil and engagements. We ask in Jesus' name. Amen.

L. HEISLER BALL, a Senator from the State of Delaware; DAVIS ELKINS, a Senator from the State of West Virginia; JOSEPH S. FREELINGHUYSEN, a Senator from the State of New Jersey; J. W. HARRELD, a Senator from the State of Oklahoma; GEORGE H. MOSES, a Senator from the State of New Hampshire; MILES POINDEXTER, a Senator from the State of Washington; ATLEE POMERENE and FRANK B. WILLIS, Senators from the State of Ohio; ELLISON D. SMITH, a Senator from the State of South Carolina; and JOHN SHARP WILLIAMS, a Senator from the State of Mississippi, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

Ball	Frelinghuysen	McCumber	Sheppard
Bayard	George	McKellar	Shields
Borah	Gooding	McLean	Shortridge
Brandeggee	Hale	McNary	Smith
Brookhart	Harreld	Nelson	Smoot
Broussard	Harris	New	Spencer
Calder	Harrison	Nicholson	Sterling
Capper	Heflin	Norbeck	Sutherland
Caraway	Hitchcock	Norris	Townsend
Cole	Johnson	Overman	Trammell
Culberson	Jones, Wash.	Owen	Underwood
Cummins	Kellogg	Page	Wadsworth
Curtis	Kendrick	Pepper	Walsh, Mass.
Dial	Keyes	Phipps	Walsh, Mont.
Dillingham	Ladd	Pittman	Warren
Ernst	La Follette	Pomerene	Weller
Fernald	Lenroot	Ransdell	Willis
Fletcher	Lodge	Robinson	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. There is a quorum present.

## REPORT OF THE SECRETARY OF THE TREASURY.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1922, which was referred to the Committee on Finance.

## TRAVEL OF WAR DEPARTMENT EMPLOYEES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing traveling expenses of officers and employees on official business from Washington to points outside the District of Columbia for the fiscal year ended June 30, 1922, which was referred to the Committee on Appropriations.

## REPORT OF NATIONAL FOREST RESERVATION COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, president of the National Forest Reservation Commission, transmitting, pursuant to law, the report of the commission for the fiscal year ended June 30, 1922, which was referred to the Committee on Public Lands and Surveys.

## EXPENDITURES OF UNITED STATES COURT OF CUSTOMS APPEALS.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1922, which was referred to the Committee on the Judiciary.

## ADMINISTRATION OF WAR MINERALS RELIEF ACT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, making a report covering administration of what is known as war minerals relief act to and including November 30, 1922, which was referred to the Committee on Mines and Mining.

## REPORT OF UNITED STATES TARIFF COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Chairman of the United States Tariff Commission, transmitting, pursuant to law, the sixth annual report of the commission for the fiscal year 1921-22, which was referred to the Committee on Finance.

## CONDEMNED PROPERTY REPORT OF SERGEANT AT ARMS (S. DOC. NO. 269).

The VICE PRESIDENT laid before the Senate a report of the Sergeant at Arms of the Senate on the sale since December 5, 1921, of property condemned in accordance with law, and deposit of the proceeds thereof with the financial clerk of the Senate, which was ordered to lie on the table and to be printed.

## LIBRARY OF CONGRESS REPORTS.

The VICE PRESIDENT laid before the Senate the annual reports of the Librarian of Congress and the superintendent of the Library Building and grounds for the fiscal year ended June 30, 1922, which were referred to the Committee on the Library.

## EXCHANGE OF TYPEWRITERS, ETC., FEDERAL TRADE COMMISSION.

The VICE PRESIDENT laid before the Senate a statement from the Secretary of the Federal Trade Commission showing the number of typewriters, adding machines, and other similar labor-saving devices exchanged by the commission during the fiscal year ended June 30, 1922, which was referred to the Committee on Appropriations.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the president of the National Aeronautic Association of the United States of America, transmitting a resolution on "National policy for air" unanimously adopted by the Second National Aero Congress at Detroit, Mich., October 14, 1922, which was referred to the Committee on Naval Affairs.

Mr. WILLIS presented a resolution adopted by Perry Center Grange, No. 1690, of Allen County, Ohio, protesting against the enactment of legislation granting subsidies to any shipping or other corporations, which was referred to the Committee on Commerce.

He also presented a resolution adopted by Perry Center Grange, No. 1690, of Allen County, Ohio, protesting against a modification of the so-called Volstead prohibition enforcement law and favoring the strict enforcement thereof, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Central Federation of Labor, of Cleveland, Ohio, favoring the enactment of legislation dispensing with mail deliveries on Saturday afternoon, so as to provide a half holiday for mail carriers, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Franklin County (Ohio) Farm Bureau, favoring the passage of the so-called Capper-French truth in fabric bill, which was referred to the Committee on Interstate Commerce.

Mr. LADD presented a resolution adopted by the Local Federation of Shop Crafts, of New Rockford, N. Dak., favoring prompt action by the Federal Government to remedy faulty condition of railroad operating equipment, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Herman Quamme and 27 others of Balfour; E. S. Keniston and 27 others of Dickinson; Paul Jungnitsch and 9 others of Page; Jacob Brown and 7 others of Wirde; Alexander Flegel and 7 others of Forbes; Mrs. P. F. Erb and 35 others of Ryder; Sam Kylmanen and 15 others of Kintyre; Mrs. Ray Bryant of Donnybrook and 20 others of

Carpio, Greene, and Tolley; Fred Gehres and 6 others of Cando; Ed. McCarroll and 8 others of Sherwood; W. O. Gerelle and 9 others of Fessenden; James Allen and 9 others of Tioga; A. B. Thompson and 16 others of Grafton; Henry Spier and 38 others of Zap; Gotfred Ratke and 24 others of Jud; M. N. Oien and 20 others of Bowdon; A. Brusseau and 124 others of Walhalla; C. J. Stensland and 7 others of Edinburg; James D. Swartz and 8 others of Lankin; O. Sivertson and 20 others of Zahl, all in the State of North Dakota, praying for the enactment of legislation to stabilize the prices of wheat, which were referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a resolution of the Connecticut League of Women Voters, of Hartford, Conn., favoring the enactment of legislation transferring the Interdepartmental Social Hygiene Board to the Department of Justice, which was referred to the Committee on the Judiciary.

He also presented a resolution of the Connecticut League of Women Voters, of Hartford, Conn., favoring an amendment of the Constitution relative to the regulation of child labor, etc., which was referred to the Committee on the Judiciary.

He also presented communications in the nature of petitions of the Westville Methodist Church, of New Haven, and the Anti-lynching Crusaders, of Stamford, both in the State of Connecticut, praying for the passage of the so-called Dyer anti-lynching bill, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Lakeville and Sharon, both in the State of Connecticut, praying for the enactment of legislation providing an adequate rural credit system, which was referred to the Committee on Banking and Currency.

He also presented communications in the nature of petitions of the Westville Methodist Church, the New Haven Woman's Club, (Inc.), the Edgewood Civic Association, the Men's Club of Calvary Baptist Church, the Woman's Board of Missions of the Congregational Churches, and sundry citizens, all of New Haven, Conn., praying for the granting of relief to the suffering peoples of the Near East, which were referred to the Committee on Foreign Relations.

He also presented communications in the nature of petitions of sundry citizens of Middletown, Hartford, Kent, Morris Cove, New Britain, Essex, Centerbrook, and Watertown, all in the State of Connecticut, praying for the granting of relief to the suffering peoples of the Near East, which were referred to the Committee on Foreign Relations.

## CONSTRUCTION OF POST OFFICE AND OTHER BUILDINGS.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7658) to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," reported it without amendment.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4101) to amend the copyright law in order to permit the United States to enter the International Copyright Union; to the Committee on Patents.

By Mr. FRELINGHUYSEN:

A bill (S. 4102) granting a pension to John Mundy; to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 4103) to provide credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act; and for other purposes; to the Committee on Banking and Currency.

A bill (S. 4104) granting a pension to Sue Myrina Rector; and

A bill (S. 4105) granting a pension to Christena Coey; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 4106) granting a pension to Jane W. Smith (with an accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4107) to amend and supplement an act entitled "An act relating to bills of lading in interstate and foreign commerce," approved August 29, 1916; to the Committee on Interstate Commerce.

## RETIRED PAY OF CERTAIN NAVAL OFFICERS.

Mr. KELLOGG submitted an amendment intended to be proposed by him to the bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment, which was referred to the Committee on Naval Affairs and ordered to be printed.



## SALARY AND MILEAGE OF HON. CHARLES A. RAWSON.

Mr. CUMMINS submitted the following resolution (S. Res. 375), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Hon. CHARLES A. RAWSON \$493.15, salary from November 8, 1922, to December 1, 1922, both dates inclusive, and \$459.20, mileage for attendance at the third session of the Sixty-seventh Congress, said sums being due him as a Senator from the State of Iowa.

ROY H. RANKIN AND EDNA T. VOGEL.

Mr. CUMMINS submitted the following resolution (S. Res. 376), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Roy H. Rankin \$182.67 and to Edna T. Vogel \$122.67, for clerical services rendered the Hon. CHARLES A. RAWSON, a Senator from the State of Iowa, from November 8, 1922, to December 1, 1922, both dates inclusive.

ANNA CLAUDE HOWARD.

Mr. SMOOT. Mr. President, yesterday while the calendar was under consideration the bill (S. 1883) granting a pension to Anna Claude Howard was passed by the Senate. The substance of the bill was included in the omnibus pension bill (H. R. 5214), as agreed to in conference, and was passed at the second session of the present Congress. I therefore move that the votes by which Senate bill 1883 was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. SMOOT. I now move the indefinite postponement of the bill.

Mr. ROBINSON. Mr. President, some of us did not hear the statement made by the Senator from Utah. Will he kindly repeat it?

Mr. SMOOT. The bill granting a pension to Anna Claude Howard was passed by the Senate on yesterday. The substance of the bill was included in the omnibus pension bill (H. R. 5214) passed in the second session of this Congress and was agreed to in conference. I moved a reconsideration of the vote by which the bill passed the Senate on yesterday, which has been agreed to, and I have moved the indefinite postponement of the bill.

Mr. ROBINSON. Very well; I have no objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah to indefinitely postpone the bill.

The motion was agreed to.

SARAH ORR.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, Senate Resolution 374. It provides for the payment of the salary of the clerk of Mrs. Felton, late a Senator from Georgia. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. The resolution will be reported for the information of the Senate.

The Assistant Secretary read the resolution (S. Res. 374) submitted yesterday by Mr. HARRIS, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Sarah Orr the sum of \$372.94 for services as clerk from October 3, 1922, to November 21, 1922, rendered the Hon. Rebecca Latimer Felton, a Senator from the State of Georgia.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WALSH of Montana. Mr. President, I have previously expressed my views about this matter, but I do not want to have the resolution acted upon without some consideration of it by the Senate. I think it is the wrong way to dispose of the matter. I took the position that Mrs. Felton was legally entitled to her seat as a Member of this body and that she ought to be paid, just as every Senator is paid, out of the regular appropriation for the officers of the legislative, judiciary, and executive branches of the Government. I can not understand how anyone can conceive that this is a proper charge against the fund which is set aside for the doing of the work which is imposed upon the United States Senate, for the expense of investigations and other matters of that character to be conducted by the Senate. It seems to me that in some way or other it carries the implication that Mrs. Felton stands in some position other than that of the ordinary Member of this body.

Mr. CALDER. Mr. President, will the Senator from Montana yield?

Mr. WALSH of Montana. I yield.

Mr. CALDER. This resolution does not provide for Mrs. Felton's pay; she was paid by a resolution which was adopted

by the Senate on Monday last in the last hours of the extraordinary session. This is for the pay of her clerk.

Mr. WALSH of Montana. But that involves exactly the same principle.

Mr. SMOOT. No, Mr. President, it does not. Senator Felton's clerk was not assigned to any committee of the Senate, and appropriations are made for the payment of the salaries of certain clerks to committees. There is no way in which Senator Felton's clerk may be paid except as proposed in the pending resolution.

Mr. WALSH of Montana. Of course, I appreciate that there is no other way in which the clerk may be paid, but provision ought to be made by some appropriation bill to take care of such items of expenditure just the same as the items for the payment of Senators' clerks ordinarily.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me, I desire to say I agree with what he has said about the salary of the appointed Senator from Georgia [Mrs. Felton]. I think undoubtedly Mrs. Felton was either a Member of the Senate, or she was not; and I think she was. If she was, she was entitled to be paid out of the regular appropriations which are made for the payment of Senators; but as to the ad interim clerks of an appointed or an elected Senator, they have never been paid out of the regular appropriations, but have always been taken care of by the passage of a special resolution.

Mr. SMOOT. Mr. President, I will say further to the Senator from Montana that the appropriation for the payment of Senators was made and there would not have been any deficiency in the appropriation if Senator Felton had been paid regularly as other Senators are paid. The full amount for the payment of 96 Senators is appropriated by Congress every year, and there would have been no deficiency if the salary of Mrs. Felton had been paid from that fund. However, I agree with the Senator from Alabama [Mr. UNDERWOOD] so far as the payment of Mrs. Felton's clerk is concerned. The manner proposed in the resolution is the only way in which that clerk may be paid.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

## SUPPLY OF WHITE ARSENIC IN THE UNITED STATES.

Mr. SMITH. Mr. President, I submit the resolution which I send to the desk and I ask for its immediate consideration. I present this resolution because, after consultation with certain officials of the Government, I find that great difficulty is being encountered in ascertaining certain facts concerning which information is desired. The resolution is presented in accordance with suggestions which have been made to me by those officials.

The VICE PRESIDENT. For the information of the Senate, the resolution will be read.

The Assistant Secretary read the resolution (S. Res. 377), as follows:

Whereas there is an emergency confronting the agricultural interests of the country in view of the difficulty in obtaining arsenical insecticides for alleviating the ravages of insect pests, and especially the great need for calcium arsenate for the control of the boll weevil: Therefore be it

*Resolved*, That the Department of Agriculture, through the Bureau of Entomology, in cooperation with the Department of the Interior, through the United States Geological Survey, is hereby authorized and directed to investigate the supply of white arsenic in the United States and the possible development of additional sources of supply and to report the same to Congress at the earliest possible time.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

## ACCOUNT OF THE STATE OF NEW YORK.

Mr. WADSWORTH. I submit the resolution which I send to the desk and ask that it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 378), as follows:

*Resolved*, That the Comptroller General of the United States be, and he hereby is, requested and directed to reexamine and restate the account of the State of New York, for which appropriation was made by the act of Congress approved February 27, 1906, on the basis of like claims of Pennsylvania and Delaware, with the same force and effect as though appropriation therefor had not been made and accepted by said State, and report to the Senate the result of such statement.

Mr. WADSWORTH. I ask unanimous consent for the immediate consideration of the resolution.



The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### MERGER OF MEAT-PACKING COMPANIES.

The VICE PRESIDENT. Resolutions coming over from a previous day are in order.

Mr. LA FOLLETTE. I desire to call up Senate Resolution 364, which is now on the table. I ask that the resolution may now be read as modified.

The VICE PRESIDENT. The Secretary will read the resolution as requested.

The Assistant Secretary read, as modified, the resolution (S. Res. 364) submitted by Mr. LA FOLLETTE November 22, 1922, as follows:

*Resolved*, That the Secretary of Agriculture be, and hereby is, directed to report immediately to the Senate all information now in his possession relating to any proposed merger or mergers of large meat-packing companies, accompanying said report with a statement of the number of animals annually slaughtered under Federal inspection, tabulated by fiscal years, beginning July 1, 1918, and the proportion slaughtered by each of the five principal packers, with their subsidiary and affiliated companies; also, to report as to any application for the privilege of merger, by whom made, and what action, if any, he has taken or contemplates taking in reference to such proposed merger.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. LA FOLLETTE. Mr. President, I offered this resolution calling for information from the Secretary of Agriculture some days ago. The resolution as originally presented will be found in the RECORD of Wednesday, November 22. I have modified it as it is presented to the Senate this morning. I am very anxious to have the consideration of the resolution completed in time to secure action upon it by the Senate this morning, if possible, but I wish to take the time of the Senate for a few moments to present the reasons which to me seem important that the resolution should be passed at this time.

I have no information regarding the proposed merger, except as I have obtained it from what has appeared in the press from time to time. Statements appearing in the press during the last few days are so direct and positive, and some of them so obviously inspired at the White House, as to leave no doubt that such merger is in contemplation. I will read just one of these newspaper notices and select the one appearing in the New York World of November 15, 1922, which reads as follows:

NO BAR TO ARMOUR PLAN, HARDING SAYS—PRESIDENT INCLINED TO APPROVE MERGER OF TWO BIG PACKING FIRMS—DECISION NOT YET MADE—SECRETARY WALLACE'S OPINION WILL BE SOUGHT BEFORE HE ACTS.

[Special to the World.]

WASHINGTON, November 15.—President Harding evidently looks favorably on the proposal of J. Ogden Armour, president of the meat-packing firm of Armour & Co., that his concern be permitted to purchase the physical assets of Morris & Co., a rival.

Mr. Harding has made no formal decision, and before he does he will call on Secretary of Agriculture Wallace for an opinion and the results of an investigation. But it was made clear at the White House to-day the President is not adverse to the merger on principle.

Financial difficulties of the packers are back of the proposal, it was said at the White House. Mr. Armour went over the question with the President yesterday, contending, it was said, the consolidation of the two was essential to financial salvation and would mean a saving of \$10,000,000 annually, which would benefit live-stock producers and the consuming public.

This article, Mr. President, does not fortify that last statement with any facts as to whether the chief beneficiaries of the saving of \$10,000,000, which it is supposed will result from the merger, would not be the packers themselves. I read further from this dispatch:

SEES NO LEGAL OBSTACLE.

The White House spokesman said the Executive feels there is no legal obstacle preventing one packer from buying out another, inasmuch as the packing industry is already under Federal control. The President believes, however, it would be imprudent for a packer to make such a deal without first receiving some assurance as to the law and the attitude of the public.

The White House takes the position the Government can not give assurance of immunity from antitrust or other laws that might subsequently be transgressed. The Federal Trade Commission has nothing to do with the matter, in the opinion of the President.

Mr. Armour's presentation of the proposal resulted from the extension of Federal control over the packing industry by the present Congress, whipped on by the farm bloc. "The contention of the packers," the White House said, "is that the purchase of the rival firm would not eliminate competition as it exists and was in no manner contemplated for that purpose."

MUST CUT OVERHEAD IS PLEA.

Advocates of the merger informed the President both they and the live-stock producers have suffered heavy losses in the last 18 months. They see no solution to their troubles unless they are allowed to cut overhead by merging, it is said. The packers disclaim responsibility for the high retail costs of meats.

President Harding called Mr. Armour's attention to the fact that at one time dressed meats were selling in Washington at 57 cents a pound for the cheapest and 75 cents for the choice cuts when the animal price was only 15½ cents a pound. Mr. Armour replied that this wide margin could not be attributed to the packers. He added he did not be-

lieve the retailers could be justly accused of profiteering. The modern method of middlemen and special service are chiefly to blame, so Mr. Armour contended.

The stock producers came up for consideration during the conference. The packers, it was said, hold that the day the producer gets his stock to market governs the matter of whether he will make a profit.

Much the same form of article has recently appeared in the press quite generally and has never been in any way contradicted or denied. It seems reasonably certain, therefore, that the President and the Secretary of Agriculture have under consideration Mr. Armour's application to absorb one of the other four great meat-packing concerns of the country.

I believe the proposed merger to be contrary to law and contrary to public policy and the interests of the people of this country, and that the Senate should therefore be in possession of the information called for in this resolution at the earliest possible date. I ought to say, Mr. President, that for many days I have endeavored to get this resolution before the Senate for consideration, but the condition of the business did not admit of its being taken up until this morning.

I shall not attempt to review at this time the history of the efforts heretofore made to regulate the great meat-packing corporations. It is a shameful history of defiance of the law and of the courts on the part of the packers and is a warning of the length to which corporate greed will go in robbing the public, oppressing its employees, and defying the laws of the land. I shall not stop even to recall any of that history now, but I come directly to the purpose of my resolution.

The latest attempt by Congress to regulate the meat packers is contained in the act generally cited as the packers and stockyards act, 1921, and approved August 15, 1921. That act, as you will recall, places the meat packers directly under the control of the Secretary of Agriculture and confers upon that official many of the powers and imposes upon him many of the duties theretofore devolved upon the Federal Trade Commission by the Federal Trade Commission act of 1914.

The packers and stockyards act in section 202, among other things, provides:

It shall be unlawful for any packer to:

(e) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in any article in commerce, or of restraining commerce.

By subsequent sections, any arrangement to do any of the prohibited things is made unlawful. By section 203 of the act it is made the duty of the Secretary of Agriculture, if he has reason to believe that any of the provisions of the act is being violated, to serve a complaint upon the packers, stating the charges, and to proceed in due form to a hearing thereon. After the hearings the Secretary of Agriculture is authorized to make an appropriate order in the premises, and the proceedings are similar to those taken by the Federal Trade Commission in other cases.

The "packers and stockyards act" also provides that nothing therein contained shall be construed to prevent or interfere with the enforcement of the interstate commerce law or any of the antitrust or antimonopoly laws of the country.

You do not, however, in my opinion, have to go beyond the section of the "packers and stockyards act," which I have just read, to see that this proposed merger is unlawful. The mandate of the act is that no packer shall do any act for the purpose, or which has the effect of manipulating or controlling prices in commerce, or of creating a monopoly, or of restraining commerce.

Now, just exactly what does this proposed merger accomplish? Why, it simply eliminates from the meat-packing industry one of the five great concerns which now so largely control that industry and combines that concern with the principal one of the others.

In looking over a chart published by the Federal Trade Commission in June, 1919, in its report on the meat-packing industry, I find that at that time there were a considerable number of cities in this country in which, of the five great meat packers, only Armour and Morris had branch houses. In other words, such competition as existed in these cities existed only between Armour and Morris. Let Armour swallow up Morris, as this merger proposes, and, of course, your competition in all of those cities is gone, if there be at the present time any competition whatever between them, and if they be not already engaged in a combination that is unlawful.

I have not undertaken to determine just how many such cities there were at the time of the Federal Trade Commission report, but a glance at the Federal Trade Commission map shows that included among them were such cities as Kingston, Auburn, and Poughkeepsie, of New York; Altoona, Pa.; Helena, Ark.; Decatur and Danville, Ill., and others.



Not only did the competitive condition I have mentioned exist in the cities referred to but it necessarily existed outside of the large cities in considerable portions of the country covered by the auto truck routes and "peddler" refrigerator cars of the five great packers.

Now, nothing can be more certain than that as to these sections of the country the effect of the proposed merger is to place the whole matter of prices and of buying and selling in the hands of Armour, so far as the large packing concerns are concerned. That, of course, is the purpose, or at least one of the purposes, of the proposed merger.

It may be said that these concerns do not compete, anyway. I do not profess to know about that, sir, but I know that they have sworn over and over again that they did compete, and that there was the fiercest kind of competition between them. For example, Mr. Armour, testifying before the Senate Committee on Agriculture and Forestry in January, 1919, pages 518 and 519 of the hearings, said:

I desire to say with all of the emphasis that words can convey that Armour & Co. are not now, and have not been for many years, a party in the most remote degree to any pool, arrangement, agreement, or combination of any kind whatever for the control, regulation, limitation, or restriction of the purchase of live stock or the sale of any of the products or by-products thereof.

Mr. Edward Morris, in the same hearings, testified, page 1877:

I want to say, just as positively as the English language will permit, that Morris & Co. is not in any agreement to control the price to be paid for the live meat animal or the price to be obtained for fresh meats or meat food products.

I quote just a few lines from the testimony of Mr. J. Ogden Armour in the hearing before the Senate Committee on Agriculture and Forestry January 27, 1919:

The CHAIRMAN (Senator Gore). Do you compete with Swift and Morris in selling meats?

Mr. ARMOUR. Yes, sir.

The CHAIRMAN. Is the competition pretty decided?

Mr. ARMOUR. Yes, sir; I think so.

Now, Mr. President, there is nothing plainer than that this competition between Armour and Morris will be absolutely wiped out by this merger; and the competition between these two concerns is all the competition there is at the points mentioned between the Big Five, or, at least, was at the time the Federal Trade Commission report was published, together with the maps to which I have referred. What the conditions are to-day is one of the things upon which I am seeking information.

Note well the language of the inspired White House article which I have quoted:

The White House spokesman said the Executive feels there is no legal obstacle preventing one packer from buying out another, inasmuch as the packing industry is already under Federal control.

I commend this language particularly to the farm bloc and the other Senators who believed that by means of the "packers' and stockyards act" a more complete control would be obtained of the packers' combine. It seems that this act, so far from being the means of more efficiently curbing these trusts, is to be made the excuse and reason for letting them proceed with their unlawful combinations and conspiracies. It is not true that the "packers and stockyards act" contains anything authorizing or justifying this merger. On the contrary, it prohibits it in the plainest possible language. But if the "White House spokesman" correctly represents the views of the White House this act, which was offered and urged as a means of relieving the people from packers' control, is to be put forward as the reason why such control, even as it previously existed, is to be abandoned.

One other matter, Mr. President, requires consideration at this point. Why are the great packing houses frankly bargaining with Government officials for permission to do an unlawful act? The answer is that the great packers are in financial difficulties. That is the answer they make themselves. I quote again from the World article:

Financial difficulties of the packers are back of the proposal, it was said at the White House. Mr. Armour went over the question with the President yesterday, contending, it was said, the consolidation of the two was essential to financial salvation and would mean a saving of \$10,000,000 annually, which would benefit live-stock producers and the consuming public.

Whenever it is necessary to put over a job, no matter how barefaced may be the robbery of the people it involves, it is always explained as a measure for the benefit of the public.

But why are the great packers in financial difficulties, if they are? I believe the answer to that question can be found in the testimony of the packers themselves. J. Ogden Armour, before the House Committee on Interstate and Foreign Commerce, on January 21, 1919, testified:

Mr. ARMOUR. There are a great many independent packers in the field, and they all make more money than we do.

The CHAIRMAN (Mr. Sims). At one time, when the five great packers began the war on each other as to volume of business, or, I mean, if at any time the five great packers were to begin a war on each other as to volume, and that war should lead to sharp competition, then the little fellows have got to get close to the shore, haven't they?

Mr. ARMOUR. Not necessarily; because the expenses of the big packers are a great deal more in proportion to his size than the little packer.

The CHAIRMAN. A great deal more as to the unit of profits?

Mr. ARMOUR. No; in size.

The CHAIRMAN. The unit of profit is what you make your money on, is it not?

Mr. ARMOUR. Yes; and in the volume or size of business. But the little packer doesn't have the expense of the big packers. The little packer to-day will make more money in proportion than the big packer will make. I do not think there is a little packer in the room now who wouldn't say that.

The CHAIRMAN. Then you gentlemen ought to split up, and then you could do better than you do now.

Mr. ARMOUR. No; while there is a greater percentage, it is not so large in the aggregate as the big packer will make.

The CHAIRMAN. The overhead of the small packer, if he hasn't cars of his own, would add a great deal more to his unit of profit.

Mr. ARMOUR. No, sir; I don't think so.

The CHAIRMAN. You large packers, then, are not doing your business economically if you can not conduct it at as little cost as anybody else.

Mr. ARMOUR. No; I think in any business that the small man's overhead up to a certain point is always smaller than that of the big man. When the small man goes past that point, of course, it rises.

The CHAIRMAN. Then the fact that the public, inasmuch as it has to procure from the large packers a very large percentage of their purchases of such meat as they handle, have to pay you that much more therefor; and if the big packers can not serve the public as economically as the little packers can, it is a very good reason why in the public interest they should cease to exist.

Mr. ARMOUR. That does not exist only up to a certain point. It can not exist beyond a certain point where the little man gets big.

The CHAIRMAN. With the fierce competition that you say exists between the big packers, say Swift & Co., and the others, in every respect—and it is not competition unless it is real and genuine—I can not see how the little packer without the established trade that you have and the capital that you have can possibly make more money per unit of product out of his investment than you can.

Mr. ARMOUR. They do.

The CHAIRMAN. Then the public is interested in having the cheapest production?

Mr. ARMOUR. Well, but you understand that only goes to a certain point, as I say, and when you pass that point you can not do it.

Again Mr. Armour, testifying January 27, 1919, before the Senate Committee on Agriculture, said:

The CHAIRMAN (Senator Gore). You stated the other day that the small packing houses paid better than the big ones?

Mr. ARMOUR. In a percentage way; yes, sir.

The CHAIRMAN. That is the best test; I take it. In a percentage way?

Mr. ARMOUR. Yes, sir.

The CHAIRMAN. Notwithstanding these economies and efficiency brought about by the big packing establishments, still the small packing establishments realize a better profit on their investment?

Mr. ARMOUR. Yes, sir.

Herbert Hoover, in a letter to the President regarding control of the big meat packers released to the newspapers by the United States Food Administration, Washington, February 10, 1919, among other things, said:

The problem we have to consider, however, is the ultimate social result of this expanding domination, and whether it can be replaced by a system of better social character and of equal economic efficiency for the present and of greater promise for the future. It is certain, to my mind, that these businesses have been economically efficient in their period of competitive upgrowth, but, as time goes on, this efficiency can not fail to diminish and, like all monopolies, begin to defend itself by repression rather than by efficiency. The worst social result of this whole growth in domination of trades is the undermining of the initiative and the equal opportunity of our people and the tyranny which necessarily follows in the commercial world.

Mr. Hoover's letter strikingly emphasizes the same point which the packers unwittingly made against themselves, namely, that they have already grown so big, they have extended themselves so greatly, they have taken up so many lines of enterprise, that they have reached the point where they must defend themselves from outside competition "by repression rather than by efficiency."

This proposed merger simply seeks to carry one step further this mad scheme of creating greater and ever greater monopoly in the packing industry. By the confessions of the packers themselves they have reached the point where their great organizations are uneconomic. If their testimony is true, they have reached the point now where they can not successfully compete with the small independents. J. Ogden Armour, in his report to his stockholders, January 18, 1922, said:

Our business has long since ceased to be one merely of meat packing. In order to distribute risks and to lessen the probability of loss, we have engaged in the further processing of various of our by-products and of cotton-oil products, etc.

There you have a pretty frank statement of what is the matter with the great meat packers. The trouble is that they are meat packers no longer. With the millions that they have



extorted from the people they have reached out into other lines of business, and the losses and the vast overhead connected with these other lines must eventually be paid for by enhancing the price of meat products.

The five great meat-packing concerns were built up largely through (1) railroad rates and special privileges, which gave them unfair advantage over competitors; (2) unfair methods of competition, whereby they used their unfairly acquired power to crush out independent competitors; and (3) combinations between themselves which enabled them to control and manipulate prices to their own advantage.

Deprived by legislation, to some extent at least, of these unfair and unlawful advantages, they now appear to be reaping the inevitable result of their violation of economic laws. What they need is not further combinations and mergers, but they need to dispose of some of their far-flung plants and other lines of business to other individuals and concerns competent to handle that business, thereby increasing healthy and fair competition, instead of attempting to throttle it by further combinations. This, I take it, was the point, in part at least, of the consent decree under which it was agreed they would sell their stockyards. Under that decree they were to dispose of this property on or before February 27, 1922. Whether the decree has yet been complied with or not I do not know.

The Senate will remember that it adopted a resolution calling upon the Department of Justice for information as to what its attitude was toward that consent decree, and what it was doing to carry it out, and whether or not it was actively participating in a proceeding that would defer the execution of the consent decree, and indeed modify it, thereby destroying its effectiveness altogether. I know from inquiries which I have made that the court has granted an extension with regard to the execution of that consent decree, but I have not inquired within a few days about it. So far as I was able to gain any information on the point about a week ago, when I hoped to get the floor to discuss this matter, the whole situation was in statu quo.

Some idea of the extent to which this proposed merger of Armour and Morris would affect the industry may be gathered from the fact that for 1916 the live weight of animals slaughtered was:

	Pounds.
Armour.....	3,725,000,000
Morris.....	1,870,000,000
Swift, Wilson, and Cudahy.....	7,635,000,000
Total of the big five.....	13,230,000,000
Total of all animals slaughtered under Federal inspection.....	18,050,000,000

Armour-Morris proportion of the big five, 42 per cent.

Armour-Morris proportion of the total of inspected slaughtered animals slaughtered not only by the big five but by everybody else, so far as the statistics give us any returns, 31 per cent.

These figures were obtained from the Federal Trade Commission meat report of 1919 and relate to the business of 1916, and are the latest available.

I have this memorandum regarding the consent decree, which I think I should have introduced a little earlier.

The latest information available is that contained in hearings on Senate Resolution 211, containing report dated April 8, 1922, of trustees appointed under packer consent decree:

1. Up to date that the packers had disposed of only some minor holdings in small stockyards.

2. They had been unable to dispose of merger holdings in large stockyards.

3. Packers have applied for extension for one year ending March 3, 1923, in which to dispose of holdings. This was opposed by attorneys for governor, who desired to grant only four months' extension, but the court granted extension for full year ending March 3, 1923.

Mr. President, we know something about mergers in the meat-packing industry. The history of that industry is replete with them. These mergers simply mean more fees and commissions for the insiders, more watered stock, more bonds, and eventually more overhead, the carrying charges of which must eventually be paid by the public in increased prices.

The famous memorandum which Louis F. Swift wrote to apprise his brothers—Edward F. and George H.—of the progress of the negotiations to absorb Schwarzschild & Sulzberger by Swift & Armour is worth referring to, and is typical of what occurs in these mergers. I quote from this memorandum as found in the report of the Federal Trade Commission of the Meat-Packing Industry (1919), page 170:

E. B. S.—

Those are the initials of one of the Swifts, I will say by way of explanation—

Want your vote by wire if go any further. Of course, if bankers get it (in) will help our stock to start, but can't tell what will lead to.

L. F. S.

P. S.: Am sure nothing doing unless go to \$10 or near it. Forgot to mention Kuhn, Loeb is in on qui(e)t or (on) bank deal (think it's too much to steal to admit in open) and may get fourth if possible otherwise. Salomon & Hargarten will sign. G. F. Sulz seems afraid that four years' audit won't suit bankers; guess books pretty raw; also fears listing stock and making market may fail.

There is much more along the same line, but I will not take up the time of the Senate to read it, but it shows how the expenses are augmented and higher and higher profits distributed among the packers and others. It is the old, old story of graft and commissions and fees and bogus stock to insiders and bankers! That is the school of finance and business where the Big Five learned their lessons. It is fair to presume that the proposed merger is not unlike the previous ones, especially since it is proposed, apparently, to put it through without the investigation which the law contemplates.

One point upon which the Congress will be enlightened if this resolution is adopted is the proportion of business done to-day by each of the Big Five as well as by the independents.

But, Mr. President, aside from the question of legality and the question of public policy involved in this proposed merger, there is a deeper and more fundamental question presented. Under what law does the President of the United States or the Secretary of Agriculture give to the packers an opinion in advance that their action will be legal or illegal? Everyone knows that there is no law which gives to either of these officials any authority or any right to do the thing they are asked to do by Mr. Armour and his associates.

It has not yet reached the point in this country where any law has been passed which authorizes the President to sell indulgences to lawbreakers or to give them away to favorites. If he grants such indulgence or privilege, he must do it without the sanction of law. Everyone knows, of course, that if the President should give the opinion to these packers that their proposed merger was lawful, that such Executive action would be tantamount to promising that the courts would take no proceeding either to prevent the combination or to enforce against it the plain letter of the law once it had been formed. As well, sir, might the gentlemen seeking this merger go before a court and seek to extort from the court a promise that they would not be prosecuted for their violation of the law.

It will be recalled that the recently proposed merger of the Lackawanna group of steel companies was abandoned when the Federal Trade Commission filed a complaint that the combine would result in unfair competition. Unfortunately, as I believe, the Federal Trade Commission has been deprived of all power by the "packers and stockyards act" to interfere to prevent the present merger, unless the Secretary of Agriculture calls upon the commission to make an investigation and report. By section 406 of the "packers and stockyards act" the Congress deliberately provided as follows:

On and after the enactment of this act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this act is made subject to the jurisdiction of the Secretary, except \* \* \* when the Secretary of Agriculture, in the exercise of his duties hereunder, shall request of the said Federal Trade Commission that it make investigations and report in any case.

If this proposed merger could bear investigation, that provision of the "packers and stockyards act" would have been invoked, in my opinion, and the Federal Trade Commission called upon to make an investigation for which it is completely equipped. That commission already has great knowledge of the packing business on account of the studies heretofore made.

Prior to the enactment of that provision it was the duty of the Federal Trade Commission, of their own motion and initiative, under the act of 1914, when they saw such unwarranted and unlawful proceeding under way, to investigate. They were empowered to act, and would have been acting in this contemplated proceeding, I have no doubt, except for the fact that they are barred apparently from lifting a hand to arrest such unlawful action. The Federal Trade Commission could have conducted the investigation, for which it is completely equipped, being the only organization under this Government of ours that I know of that is prepared, with competent experts and able attorneys and the will to execute, to make such an investigation.

Mr. NORRIS. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I gladly yield.

Mr. NORRIS. I interrupt the Senator because I think the point the Senator is now making ought to be emphasized. I



believe attention ought to be called to the fact that the particular provision which the Senator has just read was one of the main differences—I think the greatest difference—in the packer legislation between the Senate bill as it came from the Senate Committee on Agriculture and Forestry and the House bill. It was beaten by a majority of only three, and I wish those who voted when we came to a test vote between the two bills to realize now the truth of what the Senator said, that if it had not been and was not now for that provision in the law the Federal Trade Commission, probably without any request from anybody, would have made an investigation that would have prevented the merger which is probably going to take place.

Mr. LA FOLLETTE. And would have saved the time of the Senate taken up for its consideration and the action of the Senate, which will follow a report from the Secretary of Agriculture if the report warrants it, of conducting a further investigation into the matter.

Mr. OWEN. Mr. President—

Mr. LA FOLLETTE. Just a moment, please. We had a superior body of men organized under the law, one of the best laws that has been enacted in many years, in my humble opinion, the law creating the Federal Trade Commission. We had a body of trained men who were doing the most thoroughgoing work and looking into all matters of unfair competition between business organizations in the country. Mr. President, I did not take the time of the Senate to go more fully into it, but I do agree with the Senator from Nebraska that it ought to be emphasized at this time to make the Senate more cautious and Congress more cautious in the future. We struggled for days here over the proposition as to whether the power of the Federal Trade Commission with respect to the packers should be taken away from them or not. It was the subject, this legislation was the subject, of the greatest contention between the Senate and the House, and I hope the time is near at hand when that power, taken from the Federal Trade Commission at that time, will be restored to it. I hope to introduce, possibly before the day is over—if not, then to-morrow—a bill restoring that power to the Federal Trade Commission, and to obtain for it early consideration.

I now yield with great pleasure to the Senator from Oklahoma. I beg his pardon for not yielding before.

Mr. OWEN. I thank the Senator. I wished to call attention, at the moment when I rose, that the time was near at hand when the act could be amended and that it should be amended. I wished to suggest to the Senator and to the Senate that the commission, which has been so grossly abused on this floor for its laborious and faithful report on the Beef Trust, deserves—and the public interest requires—all honor and support by Congress. They reported that the Beef Trust controlled over 700 subsidiary companies, controlling the food products of the country under this gigantic monopoly. It is high time that the powers of the Federal Trade Commission were restored, and that the people of the country were protected from the exactions of the Beef Trust and its subsidiaries. The one great overpowering issue in America is the control of the abuses of monopoly, and the time approaches when genuine control in the public interest is going to be effected.

Mr. LA FOLLETTE. I most emphatically agree with the observations of the Senator from Oklahoma. As I said, I shall introduce a bill within the next 48 hours to bring about that result. It may not pass at the present session because of the condition of business, but it will come early before the Senate for its consideration at a time when I think the situation will be more favorable for it.

If this proposed merger had any legal basis it would not be necessary to avoid all investigation of the subject and take it up with the President. He can not, of course, conduct any investigation at all, but he can effectually restrain the Department of Justice, and through that department the United States district attorneys, from taking any action in the premises, and he can prevent his Secretary of Agriculture from filing a complaint against the combination either after it is organized or to prevent its organization.

Mr. President, one of the most dangerous and wicked practices which has grown up largely in our day is that by which great corporations go either to the President or to the heads of departments and make a bargain in advance for immunity for the crimes they are about to commit.

In the case of this particular proposed merger, sir, it is either (1) plainly lawful or (2) plainly unlawful or (3) its lawfulness or unlawfulness is in doubt. If it is plainly lawful, then, sir, of course, there is not the slightest reason or excuse for bargaining or attempting to bargain with the officials about it in advance. If it is plainly unlawful, then the attempt to secure official sanction for it is nothing less than asking to have the officials agree to compound a crime. If the

lawfulness or unlawfulness of the proposed action is such that there may be reasonable doubt about it, then by all means the officials who will have occasion to pass upon the legality of the action ought not to be bound by promises in advance concerning the decision they will make.

The least we can do, Mr. President, is to adopt the resolution so that we may know, and the people of the country may know, something as to the effect the proposed merger would have upon the meat-packing industry, and what steps, if any, officials of the Government are taking to maintain and enforce the laws which have been passed to protect the public from the unlawful practices of the meat packers.

The PRESIDING OFFICER. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

#### GRADE PERCENTAGES OF ENLISTED MEN.

The PRESIDING OFFICER. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

Mr. WADSWORTH. Mr. President, upon yesterday when the calendar was called the last bill on the calendar was reached, being the bill (S. 4037) to amend the grade percentages of enlisted men, as prescribed in section 4b of the national defense act as amended, to which the Senator from Washington [Mr. JONES] made objection; not that he was opposed to the bill, but stating that he hoped he might have an opportunity to examine a letter which he had received which he thought related to a proposition which was involved in the bill.

Mr. OVERMAN. Mr. President, if we are going on with the consideration of the calendar, Senators ought to be here; and I suggest the absence of a quorum.

Mr. WADSWORTH. I was about to make the same suggestion, in order that the bill to which I have referred might be disposed of.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Bayard	Gooding	Moses	Smoot
Borah	Harrell	Nelson	Spencer
Brandegee	Harris	New	Sterling
Brookhart	Hefflin	Norris	Townsend
Broussard	Hitchcock	Overman	Trammell
Calder	Johnson	Owen	Underwood
Capper	Jones, Wash.	Page	Wadsworth
Caraway	Kendrick	Pepper	Walsh, Mass.
Curtis	Keyes	Phipps	Walsh, Mont.
Dial	Ladd	Pittman	Warren
Elkins	La Follette	Ransdell	Watson
Ernst	Lodge	Sheppard	Weller
Fernald	McKellar	Shields	Willis
Glass	McNary	Smith	

The PRESIDING OFFICER (Mr. CAPPER in the chair). Fifty-five Senators have answered to their names. A quorum is present.

Mr. WADSWORTH. Mr. President, upon yesterday, as I have stated, upon the call of the calendar Senate bill 4037, being the last bill on the calendar, was reached. When that bill was called the request was made by the Senator from Washington [Mr. JONES] that he be permitted until to-day to examine into the matter. Upon that request the bill was put over. I now ask unanimous consent for the consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4037) to amend the grade percentages of enlisted men as prescribed in section 4b of the national defense act as amended. It proposes that hereafter the respective grade percentages prescribed in section 4b of the national defense act of June 3, 1916, as amended, of the total authorized number of enlisted men shall not exceed 0.79 per cent for the first grade, 2.1 per cent for the second grade, 3.4 per cent for the third grade, 9.2 per cent for the fourth grade, 9.5 per cent for the fifth grade, and 25 per cent for the sixth grade; and that the aforementioned section 4b shall be amended accordingly.

Mr. JONES of Washington. Mr. President, I merely desire to say that the letter to which I referred on yesterday I find does not relate to the matter covered by this bill. I have no objection to the consideration and passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXCESSIVE INTEREST RATES OF FEDERAL RESERVE BANKS.

Mr. HEFLIN. I ask unanimous consent for the present consideration of Senate Resolution 335, being the Order of Business No. 859. The resolution was passed over yesterday when reached on the call of the calendar. There should be no objec-



tion to the resolution, and I am anxious to have it passed to-day.

Mr. MOSES. Let the resolution be read for information.

Mr. HEFLIN. I ask that the resolution may be read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Assistant Secretary read Senate Resolution 335, submitted by Mr. HEFLIN August 10, 1922, and reported from the Committee on Agriculture and Forestry without amendment, as follows:

Whereas it has been charged on the floor of the Senate that the amendment to the Federal reserve act authorizing the charging of progressive interest rates had been obtained largely as a result of express and definite assurances given to Members of Congress by W. P. G. Harding, governor of the Federal Reserve Board, that the object and purpose of said legislation was to secure a fairer and more equitable distribution of the funds of the Federal reserve system and was expressly designed to prevent the undue absorption of Federal reserve funds in certain large cities at the expense of the great farming interests in the West and South, and at the expense of the smaller business men throughout the country; and

Whereas the official records show that the said "progressive rates" after the passage of the law were put into effect only in the agricultural sections of the West, South, and Southwest, including the four Federal reserve districts of Atlanta, St. Louis, Kansas City, and Dallas, and were not put into effect in New York and other big money centers, where the funds of the Federal reserve system were principally loaned; and

Whereas the official records show that its country banks were charged unconscionable and wholly indefensible interest rates, and that these inhuman rates were exacted from many banks in the States of Alabama, Colorado, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Mississippi, and others; and

Whereas the reserve board defeated two resolutions offered by the former Comptroller of the Currency, one designed to limit interest rates to 6 per cent per annum, and when that was defeated another limiting interest rates charged by Federal reserve banks to 10 per cent per annum; and

Whereas the undue concentration of Federal reserve funds to the big cities is illustrated in the fact that in the autumn of 1920 the official records show that the national banks in New York City, in proportion to their total loans and discounts, were being accommodated with three times as large an amount of Federal reserve funds as were the 7,600 "country" national banks throughout the entire United States: Therefore be it

Resolved, That the Federal Reserve Board be requested to obtain from the Federal Reserve Banks of Atlanta, St. Louis, Dallas, and Kansas City statements showing all cases where interest ranging between 10 per cent and 8 1/2 per cent per annum, both inclusive, was exacted from member banks, giving names of the banks, their capital and surplus, and location, where 10 per cent per annum or more was charged on loans and rediscounts, the rate and amount of interest charged in each instance as expressed in dollars and cents; also let the statement show whether the Federal reserve banks have refunded to each member bank from which such exactions were made the amount of such interest collected in excess of 10 per cent per annum upon each loan upon which such interest was charged.

Mr. SMOOT. Mr. President, I presume the Senator will not object to having the preamble stricken from the resolution.

Mr. HEFLIN. The preamble is true, but I can understand, of course, that some Senators have not investigated as I have the statements contained therein.

Mr. SMOOT. I think the preamble ought to be stricken out, so that the resolution may merely call for the information desired. The preamble refers, for instance, to "unconscionable rates of interest." That is the Senator's own idea. It may be so; I will not say that it is not; but if we adopt the resolution the preamble, I think, should be stricken out. If that may be done, so that the resolution of the Senator will merely call for the information requested, I shall have no objection to the consideration of the resolution.

Mr. HEFLIN. Mr. President, the information set out in the preamble is absolutely correct. It can be verified by the records; but if Senators who have not had the opportunity to look into the records object to voting for the preamble part of it I am willing to have it stricken out. I am anxious to get the information mentioned through the Federal Reserve Board. If the Senator prefers that the preamble be stricken out I am willing that it be done. The absence of the preamble will in no wise affect the body of the resolution, which directs the Federal Reserve Board to furnish the information requested.

The PRESIDING OFFICER. The Chair understands that the Senator from Alabama consents to striking out the preamble.

Mr. HEFLIN. I accept the suggestion of the Senator from Utah.

The PRESIDING OFFICER. The preamble will be stricken out. The question is on agreeing to the resolution of the Senator from Alabama, as modified.

The resolution, as modified, was agreed to.

#### PROTECTION OF MIGRATORY BIRDS.

Mr. NEW. Mr. President, the call of the Calendar having been completed, it is in order, is it not, to proceed with the unfinished business of the Senate?

The PRESIDING OFFICER. It can be taken up by motion at this time.

Mr. NEW. I move that the Senate proceed to the consideration of Senate bill 1452, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them.

Mr. NEW. Mr. President, on yesterday the Senator from Arkansas [Mr. ROBINSON] submitted an amendment which he thought and I think everybody thought had been adopted. Through some inadvertence or misunderstanding that amendment does not appear in the printed bill as having been adopted. I therefore send it to the desk and submit it. In so far as I can do so, I accept it. I think it is all right, and a proper amendment.

Mr. JONES of Washington. It was adopted yesterday.

Mr. NEW. The record does not show it.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. It is proposed to insert, at the proper place, the following:

Nothing in this act contained shall be construed as subjecting any lands acquired, held, or used by the United States for military purposes to any of the provisions of this act.

Mr. NEW. I think at the end of section 2, as amended, would be a proper place for that.

The PRESIDING OFFICER. The Chair understands that there is an amendment pending, offered by the Senator from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. President, I withdraw my amendment at this time in order to let this one be acted on.

The PRESIDING OFFICER. The Senator from Arkansas withdraws his amendment. The question is on the amendment offered by the Senator from Indiana [Mr. NEW] for the Senator from Arkansas [Mr. ROBINSON].

The amendment was agreed to.

Mr. DIAL. Mr. President, it seems to me that this is unnecessary legislation. All matters of this kind ought to be left with the States. There seems to be no end of harassing our people with laws and restrictions. In our business matters we hardly know which way to turn; and now it is proposed to take charge of what little pleasure is left to the people and not allow them to hunt without getting a license from Washington.

It is a little amusing to read the report of the Secretary of Agriculture on this bill. It shows that he knew absolutely nothing about it, because in his concluding paragraph on page 3 he says:

The bill is well drawn and offers a solution of the problem of raising adequate funds for migratory bird protection and for the acquisition of public shooting grounds without the necessity of regular annual appropriations.

It seems that the Secretary is very much in love with the bill. He says it is well drawn. I believe the author of the bill came here yesterday and offered 14 amendments. So it shows that somebody is mistaken about it—either the author of the bill or the Secretary of Agriculture, or perhaps both.

Mr. President, we are making the people of this country dissatisfied with our Government. They have reason to be dissatisfied. We are hampering them, we are restricting them, we are making crimes out of things that are not criminal. Why, under this bill some man who steps out with his shotgun on Saturday afternoon, after he gets through his week's labors, and shoots a migratory bird, is subject to be haled up in the United States court and fined \$500 or placed in jail six months, and darkies will have to secure licenses from the Government to hunt rabbits.

That seems to me to be ridiculous, absurd, preposterous, out of place, and uncalled for. It is enough to make Bolsheviks out of our people, and certainly we have enough wrong principles now without making our Government more unpopular. It will not be long until we have to come to Washington to get a license to play marbles in the afternoon, or to go rabbit hunting, or to carry on whatever other little sports we may have.

I am not much of a huntsman myself. I never had much time to give to recreation and pleasure. I have been employed in business matters, trying to make a living; but there are plenty of people who do enjoy a little sport, and I do not want them hampered by any such law as this. There is no occasion for it except to try to create large hunting preserves for people who are able to hunt and who spend their time in no useful occupation. These large preserves had better be cut up into small farms or small tracts, so as to encourage actual settlers thereon to help build up the country, to make a living for the people, and to pay taxes to the Government.



This bill is along the line of many others proposed by our Republican brethren. They seek to go ahead and create offices and tax the people to give dead beats something to do, or some occupation without work, where they will draw a salary from the Government. It will not be long until they will come here and ask for an appropriation to buy marshlands, and then they will need caretakers. Then I presume they will want boats to go around in the little streams to keep trespassers off. Then they will want an Army post to guard the land. Then they will have to have physicians to take care of the soldiers. Then they will have to have automobiles in which to transport the officers, and chauffeurs and mechanics to keep up the automobiles, and an unending line of positions, or at least employ people to do nothing and to draw compensation out of the Treasury.

I consider this about the last extreme to which our Government could go—keeping a man from shooting even a woodpecker. I do not know whether a woodpecker is a migratory bird or not; I am not very much up on the definitions. It seems to me to be the height of folly to put a poor devil in jail for six months at the expense of the Government for shooting a bird that was possibly pulling up his corn or interfering with his wheat or his rye, or something like that.

I do not know where you are going to stop legislation if you keep on with these things. It does seem to me that we have lost all sense of proportion and common sense, and there will be no end to it, and the people will just simply hold up their hands in despair. About all they will be able to do will be to go home and go to bed, maybe, because if they should go outside they might be arrested and put in a Federal prison.

In most of the States of the Union there is no public domain, and here we are trying to create a fund to go and buy one. Then we will ask for more money to finish paying for it; so it does seem to me to be about the height of folly. I sincerely hope that no such legislation as this will be enacted. Certainly it is time to call a halt and to become sane or to show common judgment. There is sufficient law now on the subject of migratory birds.

On page 2, line 14, the tenant of the land is not even allowed to shoot a bird on the land he has rented and is occupying and where he has his home. I move to strike out the word "and" and insert "or." I hope to improve the bill a little bit, so that one who is not fortunate enough to own land shall be allowed to shoot a bird that is flopping around on a place he has rented and is trying to eat up his cherries or his fruit. I hope to improve it that much, anyway.

Mr. CARAWAY. Mr. President, may I call the Senator's attention to the fact that under this bill you could not hunt on your woodland, your wild land, nor could you hunt on your own land unless you lived on it.

Mr. DIAL. Yes; that is correct.

Mr. CARAWAY. You might own it, but you could not hunt on it unless you lived on it.

Mr. DIAL. So a man in town could not go out on his own plantation and hunt there. Some of us happen to own a little land out in the country that we do not live on. I thank the Senator from Arkansas for bringing that matter to my attention. I own some hillside myself out in the country, and I could not go out there and take my shotgun along with the little boys and let them shoot a bird unless I should go and live out there; neither could the tenant. I thank the Senator from Arkansas for the suggestion. Under this bill a tenant could not shoot on his own place. So I offer that amendment and I hope it will be adopted, and then I hope the bill will be defeated, because, as I say, it is extreme legislation. It goes away beyond what the Congress of the United States ought to engage in.

The PRESIDING OFFICER. Will the Senator from South Carolina restate his amendment?

Mr. DIAL. Yes. On page 2, line 14, between "person" and "occupied," I move to strike out the word "and" and insert the word "or."

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. Before the word "occupied," on line 14, in an amendment already agreed to—

The PRESIDING OFFICER. It will be necessary to reconsider the vote by which the amendment was previously agreed to.

Mr. DIAL. I make that motion, Mr. President. I move to reconsider the vote whereby that amendment was agreed to, with the view of making that amendment to it.

The PRESIDING OFFICER. The question is on the reconsideration of the vote by which the amendment was agreed to.

Mr. NEW. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NEW. I have not yet understood just exactly what it is that is proposed.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The ASSISTANT SECRETARY. On page 2, line 14, in an amendment already agreed to, before the word "occupied," it is proposed to strike out the word "and" and to insert the word "or," so as to make the proviso read:

*Provided, That such license shall not be required to be procured by any person or by any member of his immediate family for the purpose of hunting, pursuing, shooting, capturing, or killing any such migratory bird on any farm land owned by such person or occupied by him as his place of permanent abode.*

Mr. NEW. I do not object to the adoption of the amendment proposed to the amendment.

The PRESIDING OFFICER. The question is on the reconsideration of the vote by which the amendment was heretofore agreed to.

The motion to reconsider was agreed to.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CARAWAY. Mr. President, I wish to ascertain whether the Senator from Indiana will accept an amendment to this measure, the so-called migratory bird bill, which would require the procuring of a Federal license to hunt by those people only who want to go upon public game preserves or public shooting grounds. If so, I shall have no objection to this legislation. If the funds which are to be raised by taxes are to be used to maintain public shooting grounds, and only those people who use the grounds for shooting purposes shall pay the license, I have no objection.

I can conceive of no reason, however, why a man owning or living upon a piece of land in Alabama, for instance, who wants to hunt, should be required to pay a license fee, and that money so raised be used in buying a bird preserve in Arkansas, where such a man never would go, and where he could not hunt if he were to go, because the law forbids a nonresident shooting; in other words, requiring him to contribute to a fund to purchase a shooting ground and maintain it where he could not go and which he could not use.

If the people who expect to use these bird preserves, and want them, desire to contribute to a fund to maintain them, I am willing that they shall do so; that a law shall be written which will require them to pay a tax before they may go upon one of these public game preserves for the purpose of hunting. I see nothing unfair about that and am not opposed to it. But I am unalterably opposed to taxing a man in one State, for instance, to hunt in his own local community, where he will never see a public game preserve, never be able to go upon one of these shooting grounds, in order to raise a fund to buy and maintain one in some State where he could not go, because there is a provision in this bill that one shall be subject to all the regulations of the State with reference to hunting, if that regulation is more stringent than this law itself. Besides, Congress could not, if it wanted to, grant to a resident in one State the right to enjoy the privilege of public shooting in another, if the other State by law prohibits it.

Therefore, let us allow the people who are going to enjoy the benefits, who want the legislation, to bear the cost; but let us not tax everybody everywhere in order to purchase a bird preserve at some place where they could not go if they wanted to go, and where they could not enjoy hunting if they wanted to go and enjoy it, because of prohibitions in State laws. If the Senator from Indiana will accept an amendment of that kind, on page 2—the Senator shakes his head?

Mr. NEW. I shook my head in response to a motion made to me by the Senator's colleague.

Mr. CARAWAY. The Senator, then, was not refusing to accept this amendment?

Mr. NEW. Not at that moment. If the Senator means to put that question now, I will say that I could not accept it.

Mr. CARAWAY. The Senator means he *would* not. There is nothing to prohibit him.

Mr. NEW. I *would* not.

Mr. CARAWAY. Of course, I want the Senator to say what he means.

Mr. NEW. Very well. The Senator will say what he means, then, and say that he neither could nor would accept that amendment.

Mr. CARAWAY. I rather imagine that before the legislation passes the Senator will find out that he can.

Mr. NEW. Very well.

Mr. OVERMAN. Do I understand that if this bill were to become a law, and I should give a hunter a right to hunt deer or wild turkey on my land, he would have to have a Federal license?



Mr. CARAWAY. That would be its effect, and if he did not have such a license the Federal authorities would put him in jail for six months and fine him \$500 and revoke the Senator's license, so that he could not hunt after. If the Senator from Indiana had read his bill before he introduced it he would know what was in it. I know there is much in the bill for which the Senator from Indiana would not stand, if he should find out what they were.

Mr. ROBINSON. The provisions of the bill are applicable to all migratory birds, including ducks, geese, snipe, plover, and other migratory birds.

Mr. CARAWAY. The way it was drawn, a part of it applied also to a migratory fish, whatever he might be. You could not shoot a fish in your own fish bucket.

Mr. OVERMAN. Would a man hunting duck on some little pond away up in the interior, away from the coast, have to have a license?

Mr. CARAWAY. Yes; and if he did not somebody with the bottom of an oyster can pinned on his coat to show he was a deputy marshal would arrest him. Of all foolishness gone to seed, this is the worst. There is nothing on earth in it except an attempt to make everybody pay to help establish shooting preserves for those people who happen to be near enough to them to enable them to go on them and enjoy them. The law was amended, almost over the objection of the Senator from Indiana. It provided that if you rented land you could not go on your own rented land. The bill as it is now proposed provides that if you own land, and you want to hunt upon your own land, it must be farm land. If it were woodland you could not hunt on it. You can hunt migratory game in your cotton patch, but you can not go into your woods lot to do so; and you can hunt fish if you can get an affidavit from the fish that he is not migratory, but if he is a migratory fish, God bless your soul, you stay off him. That is, as the bill was presented.

It goes beyond that. Just to show how absolutely everything that could be absurd and obnoxious was put into the bill—although the Senator from Indiana says he can not accept an amendment to it—if you own land, and it is farm land, and you should not live on it, you can not hunt on it. If you live in an incorporated town and your farm lands happen to be in the country, where farm lands usually are, you can not go upon them without being arrested for trespassing upon your own field. Of course, the writer of the bill did not know that the right of a man to go upon his own property can not be taken away, even by the Senate. All they think is necessary in order to abolish constitutions, State rights, and individual rights is to write a law and give somebody the right to arrest you for exercising an inalienable right. The Supreme Court, over and over again, has said that you can not prohibit a man from going upon land to which he has a right, and in a very well considered case which I recall, growing out of a dispute between the States of Maryland and Virginia about the right to hunt oysters, or something like that—a "migratory" oyster, as my friend the Senator from Nevada [Mr. PITTMAN] suggests—it was declared that if a man has the legal right to the possession of land you can not prevent his taking game upon it. But there is no reason why that should be dragged into the Senate, because the Senator from Indiana can not accept any amendment that will make the law constitutional.

Of course, as I said before, if the people who want to hunt and want game preserves, which I suspect are not bad things, want to pay for them, let them pay for them; but I do protest that it is an outrage to require a boy living in Alabama who wants to shoot a duck on a creek in that State to contribute a dollar, to be taken over to my State or down into Florida, or into Louisiana, and there go to purchase a game preserve on which that boy could not go to save his immortal soul without getting into jail, because the State laws will not permit nonresidents to hunt in those States, and the Congress of the United States can not repeal those police powers which States have to preserve the game within their own boundaries by police regulations. Even migratory oysters might be protected by it.

If Senators want to give the Department of Agriculture the power to say that certain lands would be suitable and appropriate and ought to be preserved as public breeding grounds for birds or public shooting grounds, I have no objection to it, and I have no objection to the Congress writing into the law a provision that every man who hunts, or spears a migratory fish, in that ground or digs up a migratory oyster shall pay a license, if a license is so sacred to the Senator from Indiana. But do not make somebody pay for it who never will see it and could not hunt upon it if he were to go there. It is not right, and I do not believe even the Senator from Indiana would indorse it.

Mr. NEW. Mr. President, the Senator from Arkansas attempts to be facetious.

Mr. CARAWAY. Oh, no; I am awfully serious; my remarks were not intended to be funny.

Mr. NEW. Then the seriousness with which the Senator attacks this proposition is to be commended; but, of course, he misses the point entirely. I said I would not accept that amendment because the acceptance of it would defeat the very point the Senator from Arkansas would so jealously guard. Suppose the amendment were adopted; the bill then would be left in such shape that a man who has not the means to belong to a gun club would have to pay for the privilege of hunting duck, and the man who is rich and can belong to a gun club would be exempt absolutely from the payment of the \$1 license. What I hope to do by this bill, Mr. President, is to take the dollar of the man who is fortunate enough to belong to a gun club and make it apply to the purchase or the rental of lands on which the poor devil may go and enjoy what the other man's money gives him the chance to enjoy.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NEW. Certainly.

Mr. CARAWAY. Will the Senator then accept an amendment that no one shall pay a license fee except he belongs to a gun club?

Mr. NEW. Certainly not.

Mr. CARAWAY. I did not think he would.

Mr. NEW. Certainly not. The operation of the whole bill is simple. I would like to make just as brief a statement as I can to show what I conceive to be the operation of the bill and what it proposes to do. It imposes a license fee of \$1 on every man who wants to shoot migratory birds. The Senator from Arkansas speaks of the man who does not shoot and who can not reach the hunting grounds and who will never go to the grounds. Very well; he is not required to pay a license fee. There is no charge against that man.

Mr. CARAWAY. May I ask the Senator another question?

Mr. NEW. Certainly.

Mr. CARAWAY. Would not the man who lived in Indiana, and went out to hunt in Indiana, have to pay a license under the provisions of the bill, even though he never saw a bird preserve?

Mr. NEW. Certainly not.

Mr. CARAWAY. If he wanted to hunt?

Mr. NEW. If he hunted migratory birds, he would have to have a license.

Mr. CARAWAY. Of course.

Mr. NEW. But he will not have any migratory birds to hunt unless some means are employed to preserve them.

Mr. CARAWAY. How does the pending bill preserve them?

Mr. NEW. By furnishing grounds where they have opportunity to breed, where they may stop and feed unmolested on their way from Canada to Mexico.

Mr. CARAWAY. Let us amend the bill and give the Government power to establish game preserves, which it already has without the suggested amendment, but not require the man in Indiana who never will see one of them to pay a license when he wants to go out to hunt. That is all I am asking.

Mr. NEW. I hope the Senator will permit me to complete my statement.

Mr. CARAWAY. I shall do so.

Mr. NEW. I have no objection to answering any reasonable question.

As I said, Mr. President, the fact I think is obvious to all who know anything whatever about the game supply of the country, and particularly the migratory birds, that unless something is done to establish places where the birds may light on their migrations between the North and South in spring and fall they will soon be destroyed, simply because there is no place for them to go and because in a few places that remain they are shot without regard to the limits imposed by law or the limits imposed by ordinary sportsmanlike instinct. That is the plain fact about it. The bill is intended for the direct benefit of the man who can not afford to belong to a club.

Now, Mr. President, on that point let me say just a further word. I used to shoot along the Kankakee marshes. I have shot over every foot of them from the rise of that river clear to the Illinois. The day was when anybody could go there and find plenty of places to shoot and plenty of birds at which to shoot. To-day all that land that has not been reclaimed for agricultural purposes has been taken over by clubs. The same thing is absolutely true of marshes along the Illinois River, perhaps the greatest refuge in the world for migratory birds on their trips between Canada and the Gulf. Nearly all of



that land has been taken up by clubs. What I want to do is to make the club owners take out a Federal license, costing \$1, which is to be paid into the Treasury for the use of the commission in establishing game refuges and preserves.

The bill does not create any salaried commission. The administration of the law is to be under the direction of the Secretary of Agriculture, the Postmaster General, and the Attorney General, together with two Members of the Senate appointed by the President of the Senate and two Members of the House appointed by the Speaker of the House, who shall serve during their terms of office only, and without any extra compensation.

The bill will save the Government of the United States about \$150,000 a year, because the Government now pays about that much money in an effort, which is not altogether successful because it is inadequate, to enforce the provisions of the migratory-bird treaty which we entered into with Canada some years ago. The fees collected under the provisions of the bill would provide funds sufficient to cover all that expenditure and very considerably more. It is entirely a matter of speculation as to how much money would be collected from the sale of the licenses. There are anywhere from 3,000,000 to 7,000,000 hunting licenses issued in the United States each year. Of course that does not mean that they are all for the shooting of migratory birds, but it is a reasonable presumption that a great number of them are taken out by men who hunt ducks and other migratory birds. The provisions of the bill do not apply to fish and do not apply to anything but migratory birds.

I would like to read one or two excerpts from letters which have been written to me and to the gentlemen who are interested in this bill. I would like especially to read one from Arkansas, the State represented in part by the junior Senator from Arkansas [Mr. CARAWAY], who is opposing this measure.

Lee Miles, who is the game commissioner of Arkansas, wrote as follows:

I am very much in favor of this law. I am sure it will meet with the approval of Arkansas sportsmen. I can not understand how a man could be a sportsman and not favor this law.

From Alabama John H. Wallace, now dead, who was one of the very best game commissioners in the country and recognized as such, wrote very enthusiastically in favor of the bill. In fact, he had some voice in drawing the bill.

Representatives of Georgia wrote in the same terms. Both Clyde Matthews, now dead, and Frank Rhodes, who succeeded him, wrote in favor of the passage of the bill.

From Kentucky came this statement:

Let me say that this is exactly the thing we have been looking for down this way, and I hope we can immediately acquire Reel Foot Lake and the wonderful territory adjacent thereto. While the most of Reel Foot Lake is in Tennessee, we feel that we are very much interested in it.

From Maryland Mr. McCormick said:

Of course, you undoubtedly know that I am heartily in favor of this measure.

I am reading now from the South only. From North Carolina Richard H. Lewis, president of the Audubon Society of North Carolina, charged with the enforcement of the game laws there, indorses it enthusiastically.

In Virginia a convention of game wardens adopted the following resolution:

Be it resolved by the Virginia State game wardens in convention assembled, That they heartily sanction the passage of the New-Anthony bill providing for a Federal hunting license to hunt migratory birds.

From West Virginia came the same sort of a statement.

I want to stop here long enough to especially comment on the State of Louisiana. Louisiana adjoins Arkansas. Louisiana did for itself this year what we are trying to do through this bill for the country at large. The State set aside a preserve of 30,000 acres, and I am told by the Senators from Louisiana that it is going to set aside still more, the operation of it is giving such general satisfaction.

Referring to the license, to which the Senator from Arkansas objects, the State of Arkansas right now imposes a license of \$1.10 on every man who wants to shoot in Arkansas, whether he wants to shoot migratory birds or whether he wants to shoot migratory rabbits or migratory anything else, and they do not get anything for it.

Mr. CARAWAY. Will the Senator tell me where he got that wonderful information?

Mr. NEW. I got it as reported to me from the Arkansas statute.

Mr. CARAWAY. As reported to the Senator, it happens to be wrong.

Mr. NEW. I am quite certain that the report is substantially correct.

Mr. CARAWAY. No; it is wrong.

Mr. NEW. They also charge a license fee for fishing. If I, a nonresident of Arkansas, were to go to Arkansas and shoot a migratory bird, I would have to take out a license. The Senator talks about what the citizen of Indiana would have to do to shoot in a public hunting ground. If I as a citizen of Indiana want to shoot duck in Arkansas, the State of Arkansas would charge me \$15 for doing it.

Mr. CARAWAY. And in addition to that would put the Senator in jail, because he would not be allowed to do it at all.

Mr. NEW. If an Indiana man went to Arkansas at all, perhaps the Senator feels that they ought to put him in jail anyway. But that is what the Arkansas law provides shall be done to an Indiana man who goes down there to shoot. That is what the State of Arkansas does.

Understand another thing, Senators. The Government, under the provisions of the bill, can not take a single acre of land in Arkansas or in Alabama or in any other State except with the approval of the legislature of that State. No one is going down there to commit any outrage on the State of Arkansas or establish something that the State does not want. If they do not want it, all they have to do is to have their legislature say they do not want it done, and that is the end of it.

Mr. President, I think there are some here who do not take the bill very seriously. I am not one of them. It is a serious matter. It is proposed in good faith. I believe that the general public, not only in this day but in the days that are to come, will derive very great benefit in the form of pleasure, good health, and much that goes to make life enjoyable if we will preserve for them the opportunity to do so. I spoke of what I had seen along the Illinois River and the Kankakee River. I would like to feel that those who are to come after me, a couple of generations behind, are going to have the opportunity to have the same enjoyment out of life that I have had out of mine. That is all there is to it. No bill ever was proposed in better faith than this one, and none with more direct and impartial consideration for the man who can not afford, in a financial way, to put himself in the happy condition where he can enjoy such privileges as nature has provided. That is all there is to it.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER (Mr. PHIPPS in the chair). Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. NEW. I yield.

Mr. DIAL. I should like to ask the Senator from Indiana would he consent to an amendment striking out, on page 2, line 13, the word "farm" before the word "land," so as to read "on any land owned by such person." That would enable a man to hunt on his own land. An amendment already agreed to covers the tenant hunting on the land occupied by him, but I am a little fearful that it is not broad enough to cover a man's woodland if he does not live on it. I therefore move, on page 2, in line 13, before the word "land," to strike out the word "farm."

Mr. SMITH. May I suggest to my colleague as now framed the provision reads "killing any such migratory birds on any farm land owned by such person and occupied by him." I suggest that if the word "and" before the word "occupied" were changed to "or" that would meet the objection.

Mr. DIAL. I have proposed that amendment and it has been agreed to.

Mr. NEW. That change has been made.

Mr. DIAL. I now move to strike out the word "farm" before the word "land."

Mr. SMITH. I do not suppose that this bill will pass; I hope it will not in its present form; but, in case it does, I hope that before its passage it may be framed in as harmless a shape as possible.

Mr. NEW. If I understand the amendment now proposed by the Senator from South Carolina [Mr. DIAL], it is designed to permit a man to shoot upon any land which he may own, whether occupied by him or not, and also to permit his tenant the same privilege?

Mr. DIAL. Yes, sir; whether he occupies it or not it would permit him to hunt on it; and it does not restrict the privilege to farm land, but includes any land.

Mr. NEW. I should hesitate very much about accepting such an amendment without a better opportunity to understand just how far it went.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina will be stated.



The READING CLERK. On page 2, line 13, before the word "land," it is proposed to strike out the word "farm," so that it will read:

*Provided*, That such license shall not be required to be procured by any person or by any member of his immediate family for the purpose of hunting, pursuing, shooting, capturing, or killing any such migratory bird on any land owned by such person or occupied by him as his place of permanent abode.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Carolina.

Mr. NEW. Mr. President, I should regard such an amendment as very dangerous, and I do not think I should desire to accept it. I hope it will not prevail.

Mr. SPENCER. Mr. President, may I ask the Senator from South Carolina whether his purpose would not be fulfilled by merely striking out the word "farm"?

Mr. DIAL. That is the word I have moved to strike out.

Mr. SPENCER. Personally I see no objection to that amendment.

Mr. DIAL. That is my motion.

Mr. SPENCER. Do I understand the amendment of the Senator from South Carolina also to include changing the word "and" to the word "or," in the next line?

Mr. DIAL. I have proposed that amendment, and it has already been agreed to.

Mr. SPENCER. If the word "farm" be stricken out and the word "or" be written in instead of the word "and," it would permit a man to acquire a million acres of land, which might practically be all the hunting land of a State, and the law thereby would be practically nullified so far as establishing game preserves is concerned. It would vitiate the very purposes of the bill.

Mr. DIAL. The object of substituting the word "or" for the word "and" is to allow a man to hunt on land where he is a tenant but which he does not own.

Mr. SPENCER. On any land which a man owns and occupies he ought to be free to hunt.

Mr. DIAL. Exactly; but he ought to be free to hunt on the land if he owns it although he does not occupy it. Likewise, the tenant ought to be allowed to hunt where he occupies it and does not own it. That is the object of my amendment.

Mr. SPENCER. So long as either the owner or the tenant occupies the land, I agree with the Senator from South Carolina, but if it is intended to open the door so that a man may acquire an indefinite number of acres, as would seem to be contemplated by the amendment proposed by the Senator, I can not agree with him.

Mr. DIAL. That is not my object at all.

Mr. ROBINSON. Mr. President, the pending measure has already consumed a great deal of time and, inasmuch as I have some engagements which may call me away before its consideration shall have been completed, I desire to make a brief statement relative to the bill.

With the policy of game conservation I am in hearty sympathy. Any fair and well-considered plan, one calculated to accomplish that end, would meet with my approval, as I believe it would meet with the approval of many other Senators who have indicated a purpose to oppose or who have criticized the bill. It is desirable that game refuges be established, and where that is done that laws should be applicable and should be strictly enforced for the conservation of the game.

The purpose which the Senator from Indiana has in mind and every purpose which ought to be carried out in connection with such legislation at this time, in my humble judgment, can be accomplished by the adoption of the amendment proposed by my colleague the junior Senator from Arkansas [Mr. CARAWAY]. If it is necessary to secure additional funds, I respectfully suggest to the Senator from Indiana that the license fee which the bill imposes might be increased so as to provide a larger aggregate amount. If shooting grounds shall be established by the Federal Government for the benefit of the public, all true sportsmen, all who come within the class comprehended by that term, will be willing to pay a reasonable and probably a liberal license fee. A sportsman who is to have the benefit of a public institution in the nature of a shooting ground would not object to paying double the small charge proposed by this bill.

The objection to the bill lies in the fact, stated in a word, that it is an extension of Federal authority to a new field. Heretofore the privilege to hunt has been exercised and enjoyed by the American people without Federal restriction or interference. Recently, through treaty and statute, the Federal Government extended its jurisdiction to migratory birds. Every lawyer knows the difficulties which have been encountered and which are involved in such legislation. It will not promote in the long run the purpose of true sportsmen to con-

serve the game of the country, to protect migratory birds against ruthless destruction, shamefully and outrageously practiced in some instances, to impose regulations and restrictions the result of which can only be to invite and promote resentment among a large number of our citizens.

In the older States there are thousands of men who are not sportsmen, but who occasionally, once or twice a year, indulge in the shooting of migratory birds. They never go upon a game preserve, and I suggest to my colleague they never have the opportunity of doing so. This bill would require every man who for any period of time undertakes to indulge in the American pursuit of hunting to pay a license fee to the Federal Government, and, in the event he should fail to do so, he would become liable to a fine of several hundred dollars and to imprisonment for a long period. If such a restriction is imposed the only result will be that the man who hunts one day in the year, the man who is not a sportsman, who has no ambition to be classed in that way, but who does enjoy and take advantage of the ancient privilege of occasionally engaging in the pursuit of game, will either find himself unexpectedly in trouble by some mischance because he has failed to procure a Federal license or he will totally refrain from indulging in the amusement. It will not only render the proposed statute exceedingly unprofitable and accomplish no beneficial purpose but it will make it exceedingly unpopular.

If it is desired to establish shooting grounds for the benefit of men who indulge in the pursuit of game and who call themselves sportsmen a license is proper, but it is not necessary in order to accomplish that to harass and vex and annoy the large number of citizens who are not sportsmen but who occasionally desire to pursue game.

No sportsman would object to paying \$2 for the privilege of going upon a shooting preserve established by the Government of the United States; he would just as lief pay \$2 in all probability as \$1; but whenever the license provision is made applicable to every man who takes a gun and pursues at any time migratory birds or who, pursuing other game, by chance shoots migratory game, and thus becomes liable to a severe penalty, the proposed statute is rendered unpopular in the beginning; it is made difficult of enforcement and nothing has been accomplished that can be in the mind of the men who have the purpose of promoting legitimate sport in shooting.

I think if the Senator from Indiana will take that view of it, accept the amendment of the junior Senator from Arkansas, and increase the charge for the shooting license to persons who go upon preserves to \$2 or even more than that he will succeed in passing the proposed legislation and for the time being at least will have accomplished every legitimate purpose.

Mr. NEW obtained the floor.

Mr. SMITH. Mr. President—

Mr. NEW. Does the Senator from South Carolina desire to ask a question?

Mr. SMITH. I merely desire to submit some observations along the line of the remarks just made by the Senator from Arkansas [Mr. ROBINSON].

Mr. NEW. If the Senator will permit me, I wish to reply very briefly to what the Senator from Arkansas has said. If I could exact a different sum from the man who belonged to a club, the rich man, if you please, than from the poor man, I would be very glad indeed to make the club member's license fee \$2 or \$5 or even more; but the Senator from Arkansas certainly knows that we could not make the license fee of one citizen a certain amount and the license fee of another citizen a different and lower amount. That is not feasible; it is not possible. It is necessary to make the fee uniform; and I have sought to make it just as low as possible in order to bear as lightly as possible on the man of very small means.

Mr. President, the man who shoots at all and undertakes to hunt migratory birds has to equip himself at least with, we will say, a box of 25 shells, and they will cost him 35 cents more than the proposed license fee for a year will cost him. This \$1 license fee is the cheapest investment he can possibly make for his entertainment and pleasure, because 90 cents of every dollar is to be expended for the permanent guaranty to him of a place and an opportunity to enjoy the proceeds of that dollar.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. NEW. I do.

Mr. WILLIS. I desire to ask a question of the Senator from Indiana. I have not had an opportunity to examine his bill, but he is familiar with it. He is also familiar with the situation in the State of Ohio. I happen to know that very many of the farmer boys there, especially in the central part of the



State, have for their recreation little hunting trips to the shores of Lake Erie. Under the terms of this bill, are these boys required to take out a license?

Mr. NEW. If they are to hunt migratory birds.

Mr. WILLIS. They go duck hunting.

Mr. NEW. Then they are required to buy a \$1 license. They are required to buy a license by the State of Ohio, too.

Mr. WILLIS. I understand that.

Mr. NEW. This would call for a \$1 license.

Mr. WILLIS. An additional license?

Mr. NEW. Yes; the money derived from which is to be invested by this commission for permanently securing public shooting grounds for the benefit of those men. For the licenses which they buy now from Ohio they get nothing except the privilege of shooting. They get no place guaranteed to them.

Mr. WILLIS. Perhaps the Senator has already covered this in his statement, but what is the provision of the bill touching hunting upon ground owned by the person himself?

Mr. NEW. That is exempt.

Mr. WILLIS. That is exempted?

Mr. NEW. Yes.

Mr. SMITH. Mr. President, I think the Senator from Arkansas has really voiced the sentiment of every man who wants to preserve the game of this country and still keep within the dual form of our Government.

I do not suppose there is a man in this body who has enjoyed hunting, both of migratory birds and those that are local and other game, as I have. In my State they have readily acceded to the terms of the present law and cooperated with the Federal Government under it in closing up and making of short duration what is known as the open season. Especially is that true in reference to the migratory birds, so that the open season for hunting will close before the birds have started their return migration to the North. But the fatal objection to this bill is that you impose a license upon every man who wants to go out and hunt at all in order ultimately to create a preserve where only a few will ever get to hunt.

I agree heartily, as far as I have been able to look into this measure, with the proposition that the Federal Government, if it proposes to exercise any jurisdiction for the preservation of game, ought to acquire domains suitable for the preservation of it and then make such rules and restrictions as they see fit in order to accomplish that purpose.

Down in my State just the other day I took out my annual license for the State—\$3 for the State and 10 cents for the party issuing the license—so that our State already is keenly alive to the necessity for the preservation of game birds, both migratory and local. If, in addition to that, for the short period of the open season that I am allowed to hunt I must take out a Federal license in order to shoot migratory birds, it lays a restriction in addition to that already imposed by the State that is going to create confusion, because unless the open season or the time for which the license of the Federal Government applies runs coterminous with that of the State, you will have a man with a license to shoot under certain conditions allowed by the Federal Government and under the laws of his own State not allowed at all.

Mr. NEW. Mr. President, will the Senator permit an inter-ruption? The provisions of this law can not conflict with those of the State law. It so states.

Mr. SMITH. Mr. President, even though the terms of the bill provide that the State law shall govern the terms of the license under the Federal law, it still remains true that a citizen of the State, for the length of time that he would be permitted the scant opportunity that he has, should not be restricted by the Federal Government in addition to his own local government.

If the Federal Government desires to preserve the game, I think the part of the Senator's bill which provides for obtaining through any legitimate means Government preserves where they can have a perpetual closed season, or where they can have a license fee and limit the bag or limit the number of animals that may be killed, is admirable; but to go into a State and lay down rules by which a man who owns land has to go to the Federal Government in order to exercise the immemorial right of picking up his gun and shooting a wild goose or a duck is to bring the law into such disrepute that you would defeat the very end that is now meeting universal approbation through the cooperation of the State with the Federal Government.

Mr. NEW. Of course, if the Senator will again permit me, the bill does not do anything of the kind. It does not apply to a man shooting on his own ground.

Mr. SMITH. But it requires a Federal license.

Mr. NEW. Not for shooting on his own ground.

Mr. SMITH. I know, but it requires a Federal license for a citizen of the State who happens to be unfortunate enough not to own any land to shoot on my land. He has to get a license to shoot, and then he has to get permission from me to go on my land and shoot; and the consequence is that the landowner is exempted under this bill, and the man who goes on a navigable stream the riparian rights of which may be owned by the State, and it is no man's land—and that is about the only privilege some of them have of ever getting a chance to shoot without asking permission, or going on posted land—

Mr. NEW. Will the Senator permit a question?

Mr. SMITH. Yes.

Mr. NEW. The Senator said, just a moment ago, that the State of South Carolina now charges \$3 for a license for any man who wants to shoot in South Carolina, a resident of the State.

Mr. SMITH. Yes.

Mr. NEW. What does it give him for it?

Mr. SMITH. It gives him the privilege of going out during that time and shooting under certain restrictions.

Mr. NEW. All right. Does it provide any place for him where he can shoot?

Mr. SMITH. It simply creates that fund in order to carry out the provisions of the open season, and the amount of game that may be killed. It is an attempt on the part of my State to conserve the game within the State, and the game wardens necessarily have to be paid, and those who want something to shoot are willing to pay for the preservation of the thing to shoot.

Mr. NEW. All right. This bill charges that man \$1, and practically half of that dollar goes for the establishment of a place for game to multiply and on which that man can shoot. You charge him \$3 and it is all right. You are against charging him \$1 for something that is meant for his direct benefit.

Mr. SMITH. But the thing I am objecting to is the Federal Government undertaking to license a citizen of a State for the purpose of permitting him to enjoy the thing that is his right without the interference of the Federal Government. I think that if the Senator wants to encourage the purchase by the United States Government of domains suitable for the preservation of game, he will find all the cooperation in this body that he desires; but when he goes into the doubtful ground of having a citizen of a State compelled under a statute to go and take out a license before he can shoot within his own State, he will have a rocky road to travel. It is my opinion that the Senator will meet every end by confining himself to the purchase by the Federal Government of domains where it can properly and constitutionally exercise its rights in regulation and limitation.

Mr. SPENCER. Mr. President, the difficulty with the statement of the Senator from South Carolina, as I see it, is this: We agree perfectly that if something is not done to preserve the migratory birds of this Nation their number will constantly diminish. There must be places where they can be protected during the closed season, and there must be places where they can live and breed and grow in number. Last year we appropriated \$154,900 for that purpose, and with some difficulty. It is absolutely inadequate. If the Federal Government does not do something to provide feeding and breeding places for these birds, and to provide for their protection, they will become more and more nearly extinct. Who better can share in that cost than those who have the direct benefit of shooting and eating those migratory birds?

There are 6,000,000 people in the United States who hunt, as far as the statistics show, who are directly interested in the keenness of the sport of shooting game. What does this bill say? It says that the Federal Government will locate in different parts of the country great safeguarding preserves to take care of these migratory birds, and that they shall be open to any man who has a Government license, and that the fund derived from those Government licenses shall take care of these breeding and safeguarding places. What is the amount of the Government license? It is \$1 a year.

Mr. SMITH. If the Senator will allow me, my observation is that the migratory birds par excellence down in my section are the ducks. For some reason the geese have ceased to come, perhaps for the same reason that the ducks began to get fewer; but my information—and I have given some little study to the matter—is that the thing that is diminishing the flocks is the inroads upon their breeding grounds. They do not breed in the South. They breed up in the Arctic or approximately the frozen regions. There has come to me information as to their eggs being sought for divers commercial purposes, and that they have been destroyed by the millions through that process.



I think that if we would start at this thing right and preserve the breeding grounds inviolate, so far as the number is concerned that may be destroyed through the limited open season that now obtains in almost all the States, we would have a rehabilitation of all of our still living migratory birds; but I do not think you will accomplish anything of consequence by attempting to require the taking out of a license to prevent the shooting of migratory birds under the present condition of the State laws. I am informed, however, that a scientific investigation has been made, and that it is the inroads upon the breeding places that have caused the rapid diminution of the number of our migratory birds, particularly the geese and the ducks. Anything that I could do or that any real sportsman could do to preserve the breeding grounds in the closed season we stand ready to do, or I do, at least; but the open season in most of the States is being so restricted that the number of migratory birds that are destroyed would hardly have any appreciable effect, especially if the breeding places were protected.

Mr. SPENCER. We have a good deal of jurisdiction, but it would be difficult to regulate the breeding places anywhere around the Arctic Ocean. As a matter of fact, the great danger to those birds is when they are shot, not alone in the breeding places, or when their eggs are destroyed—of course any disturbance there is a direct detriment—but the main injury, as I take it from the information I have, is when those birds begin to mate. They mate in the Southland, they mate on their journey north, and the mating birds are shot if there is not a closed season, and it is for the protection of those birds that the closed season is provided and the safeguards are thrown around them by Federal legislation. The Senator and I are quite in accord as to the absolute necessity of preserving these migratory birds. What better things could be done than for the Government to say, "We will establish great central developing places for these birds, and we will call upon those who hunt to cooperate with us"? This would produce a fund estimated at between one and three million dollars a year.

Who is complaining? I am familiar with a good many hunters' organizations, and certainly there is not one in Missouri in which the members are not keen for just such a system of preservation as is indicated by this bill.

The game wardens of every State are for it. They might be said to be interested because it dovetails into their plans, but there is not one of the individual hunter's organizations of the States, made up of the rank and file of men who love to hunt, that is not in favor of it. Why should they not be, in these days when you and I see individual preserves of land, marsh, and swamp being gathered together, into which nobody can come except by invitation of the owner? Why should we not have under Government control great stretches of the swamp land and water land and other land where these migratory birds can come and live and be protected, which shall, in the open season, be available to any man who wants to come? That is one of the very things this bill proposes to accomplish.

Mr. SMITH. If the Senator will allow me, so far as the feature for the purchase of land to be under the jurisdiction of the Federal Government is concerned, I am in favor of it; but I am opposed to licensing the individual hunters within the States, as interfering with the police power and the sovereignty of the States. In addition to that, you would tax every man who takes up his gun and goes out to hunt for a day or two, as has been pointed out here this afternoon. You would tax them all to create a preserve of which only the regular professional sportsman could ever get the benefit.

Mr. SPENCER. But the birds which are safeguarded in the preserves do not stop there. There may be a comparatively few who could hunt in the preserve to which the Senator refers, but the birds scatter over the whole United States and the hunters everywhere have the advantage of it.

Mr. SMITH. If the Federal Government desires to establish places where it may preserve these migratory birds, I stand ready to cooperate in every way, except by agreeing that the Federal Government may go into my State and dictate that I and the other citizens must get licenses in order to hunt migratory birds within the State.

Mr. NEW. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. SPENCER. I yield to the Senator.

Mr. NEW. The Senator from South Carolina spoke of the establishment and the preservation of breeding grounds, or refuges, and said that if that was the purpose, he would be in harmony with the bill. That is exactly the purpose.

Mr. President, some years ago the United States and Canada negotiated what is known as the migratory-bird treaty. As is well known, migratory birds for the most part summer in Canada. They breed in the British possessions—some of them in the Northern States of this Union, to be sure—but most of them across the Canadian line.

The obligations which Canada assumed under the migratory-bird treaty was to preserve the birds up there by stopping the wholesale gathering of eggs, which was spoken of by the Senator from South Carolina, by keeping inviolate the breeding grounds which are used by the birds in Canada; and to the credit of our neighbor on the north I want to say that she does what she usually does with reference to a promise—she has kept it—and the breeding grounds there are preserved. The unlawful gathering of eggs has been stopped, and there is no country I know of where the laws regulating all matters of that kind are better enforced than they are right now in Canada.

The Senator said that the number of birds destroyed in any one State here is negligible. There were 2,000,000 ducks killed in the State of Minnesota in one single shooting season three or four years ago. I have forgotten whether it was in 1919 or 1920, but it was about that time. Two million ducks, at a dollar apiece, amount to \$2,000,000 worth of a food supply, because ducks are a very valuable food supply, and that many were shot in the single State of Minnesota. While I am not able to speak for the numbers, and can not give them accurately, I venture to say that there are almost as many shot each year in the Senator's own State of South Carolina. I know residents of New York and residents of Indiana who are in his State now shooting migratory birds, men who have bought places there. They are not taxed for the privilege. They are down there shooting the migratory game. I can tell who they are if required to do so; but I simply say I know them, and I know they are there now and have been for some seasons past. They do not pay one cent for the benefit of the man who lives in South Carolina and wants to shoot there. He is kept off of their grounds, and he never will get a chance to shoot on their grounds, because they are privately owned, and they have the same rights of property there that any man enjoys.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. DIAL] to the amendment.

Mr. NEW. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	George	Moses	Smoot
Ball	Glass	Nelson	Spencer
Bayard	Harrell	New	Sterling
Borah	Harris	Norbeck	Sutherland
Brandegee	Harrison	Norris	Swanson
Brookhart	Heflin	Overman	Townsend
Calder	Jones, Wash.	Page	Trammell
Capper	Kendrick	Pepper	Wadsworth
Caraway	Keyes	Phipps	Walsh, Mont.
Curtis	Ladd	Pittman	Warren
Dial	La Follette	Pomerene	Weller
Dillingham	Lenroot	Ransdell	Williams
Ernst	Lodge	Sheppard	Willis
Fernald	McKellar	Shields	
Fletcher	McNary	Smith	

Mr. FERNALD. I wish to announce that the senior Senator from Iowa [Mr. CUMMINS] is absent on official business of the Senate.

The VICE PRESIDENT. Fifty-eight Senators having answered to their names, there is a quorum present. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. DIAL] to the amendment.

Mr. CURTIS. Let the amendment to the amendment be reported.

The VICE PRESIDENT. The Secretary will state it for the information of the Senate.

The READING CLERK. On page 2, line 13, the Senator from South Carolina proposes to strike out the word "farm," before the word "land," so as to make the proviso read:

*Provided, That such license shall not be required to be procured by any person or by any member of his immediate family for the purpose of hunting, pursuing, shooting, capturing, or killing any such migratory bird on any land owned by such person or occupied by him as his place of permanent abode.*

Mr. NEW. So far as I can do so, I am willing to accept the amendment to the amendment. I shall not object to its adoption.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.



The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be reported.

The READING CLERK. Add a new section to be known as section 13a, as follows:

SEC. 13a. No public lands shall be withdrawn, set apart, or reserved for or as public shooting grounds or for a bird or game refuge by Executive order or otherwise than by express act of Congress.

Mr. PITTMAN. Mr. President, under the provisions of the bill the President of the United States would have authority to withdraw by his own act any amount of public lands for the purposes of the bill. He could withdraw all of the public lands of the West for this purpose. It was found necessary a few years ago for Congress to take away from the Executive the power to withdraw land for forest reserves. It was provided that the forest-reserve lands could only be withdrawn by express act of Congress. That act became necessary by reason of the foolish withdrawal of millions of acres of land for alleged timber purposes.

I am heartily in favor of the purpose of the bill. I want to see game refuges created all over the country or wherever they should be created.

Mr. NEW. Mr. President—

Mr. PITTMAN. But I am unwilling to take a chance on any one man having the power, without the approval of Congress, to withdraw unlimited quantities of public lands in my State.

I yield to the Senator from Indiana.

Mr. NEW. I, of course, have no idea that any President would ever set aside the lands in the manner described and objected to by the Senator from Nevada, but I am perfectly willing to accept the amendment which he has offered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. PITTMAN].

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I offer an amendment to the bill.

The VICE PRESIDENT. The amendment will be reported.

The READING CLERK. In section 4, page 3, in line 3, after the first word "That," insert:

Annually on June 30 the Secretary of the Treasury shall pay over to each of the States 50 per cent of all moneys received from the sale of such licenses collected within such States, to be covered into the State school fund of the States, respectively, and 50 per cent of—

So as to make the sentence read:

That annually on June 30 the Secretary of the Treasury shall pay over to each of the States 50 per cent of all moneys received from the sale of such licenses collected within such States, to be covered into the State school fund of the States, respectively, and 50 per cent of all moneys received from the sale of such licenses shall be covered into the Treasury—

And so forth.

Mr. TRAMMELL. Mr. President, I think the purpose and object of the amendment is very plain, but I will state that the object is that of the funds collected from licenses 50 per cent shall be appropriated back to the States from which collected. I think it very proper that action should be taken toward the conservation of our game, and I would rather assist than oppose a proper measure to such end. It was a new departure a few years ago when the Federal Government set about to regulate and control the migratory birds. The trend seems to be to progress step by step. First we acted upon the treaty of 1916, when we enacted Federal legislation for the purpose of controlling and regulating migratory birds and giving Federal authority over hunting in the States. It has been amazing and astonishing to see the scope of the definition given the term "migratory birds." No one scarcely knows the magnitude of the definition. It is being extended more and more. I am told that the term now includes doves and robins.

Now another progressive step as proposed by this bill is to make the game proposition a revenue producer to the Federal Government. The plan being adopted is a license tax. That seems to be very largely the object and purpose of the bill. Of course I know it is claimed and contended that it is for the purpose of game conservation, the establishment of hunting grounds and game preserves, and that in order to accomplish this a license tax must be imposed. If we are going to trespass upon State rights by collecting license from every hunter who shoots a migratory bird and thus raise revenue, I think in all justice that part of that fund should be reappropriated to the States. I have offered the amendment providing that 50 per cent of the fund thus collected should be returned to the

States and placed in the school funds of the States, respectively, which are entitled to it under such provision.

Mr. LENROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. TRAMMELL. Certainly.

Mr. LENROOT. Will the Senator explain how this would trespass upon the rights of the States?

Mr. TRAMMELL. The matter of a Federal license for people to hunt within the State is a new departure entirely. They do not hunt at random all over the United States. They are not issued a Federal license allowing them to hunt anywhere, but they are confined within the limits of a State and enjoy the privileges of that State, the police protection of the State. They are under no police protection from the Federal Government. Yet we say if they go hunting within a State the Federal Government will monopolize the privilege of licensing them. This bill means that every man who hunts will be forced to obtain not only a State license but also a United States license.

Mr. LENROOT. Is it the Senator's view that the provisions of the bill would enable a nonresident to hunt in a State without a license from the State and without permission from the State?

Mr. TRAMMELL. Oh, no; certainly not. There is nothing I have said that would logically permit any such deduction.

Mr. LENROOT. Then how does it trespass upon any State rights?

Mr. TRAMMELL. It is an interference with a prerogative of the States to raise revenue from this particular source, which has always been left to the States, and also an encroachment upon the police powers of the States.

Mr. LENROOT. The States would still raise revenue from the same source.

Mr. TRAMMELL. But it is evidently an effort to reach around and try to find avenues for revenue in every possible direction.

Mr. LENROOT. But this is not a revenue measure.

Mr. TRAMMELL. It is proposed to tax the people of the State, at least every man who hunts even for a half day or a day, to the extent of \$1, and then it is proposed to take a part of that money to build up game preserves and shooting fields upon which the sportsman may hunt. That seems to be the idea and purpose of the bill. What percentage of the average citizen will ever get to hunt on the game preserves or shooting grounds you propose to establish? Not one in five thousand, is my opinion.

Mr. LENROOT. Is it the Senator's view that in the State of Florida he does not desire protection of migratory birds?

Mr. TRAMMELL. I have not said or intimated anything of the kind. I have not intimated that I think we should not have game conservation, but have expressed myself to the contrary. But we may adopt different courses by which we can bring about that regulation. I am not in favor of the idea of the Federal Government again reaching out its arms trying to get revenues here, there, and every place. It is proposed now to raise two or three million dollars by taxing the people for hunting.

Mr. WILLIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. TRAMMELL. Certainly.

Mr. WILLIS. Is it the contention of the Senator that the pending measure is intended to be a revenue measure? My understanding of it was that the income from this source was to be used entirely in the establishment of sanctuaries for the protection of migratory game birds.

Mr. TRAMMELL. Take either horn of the dilemma; it does not make any difference. If it is proposed to raise money by a license tax upon everybody who hunts for the purpose of building game preserves and hunting fields for the sportsmen of the country to hunt upon, then it would seem to me to be an effort to save money from general appropriations by raising it in this way to build up the game reserves for that purpose.

Mr. WILLIS. The Senator does not contend that this is intended to be a revenue measure, does he?

Mr. TRAMMELL. I do not know what it is intended to be. I suppose it is probably intended to be a revenue measure to a certain extent. I would not call it a revenue measure in the nature of a general revenue tax, such as your tariff bill, which taxes everything on the face of the earth. The Senator is not satisfied with what has been exacted under the tariff bill by the imposition of taxes upon the people of the country, but now wants to depart a little further and go into the States



and say, "We will impose a tax upon the man who hunts, additional to that imposed by the State." I think the matter of the regulation of a license tax upon hunters should be left to the State. That is my frank and honest opinion in regard to it. The Federal Government, as it has already done, can proceed with the enforcement of its laws relative to migratory birds, but do not go into the States and interfere with the question of hunting licenses. I think that should be left to the States, just as it is at present. The matter of imposing a license regulation and control should be left to the State.

I hope the amendment will be agreed to. If that can not be done, then I say in all justice that the State from which the revenue is to come is entitled to a distribution of at least 50 per cent of it. I have proposed my amendment so that if the bill is enacted into law the State will get back a little part of the revenue which I think should remain in the State instead of being shifted into the Federal Treasury for the purpose of supporting more bureaus, for the purpose of supporting more appointees and employees, and having a lot more people feasting at the public crib. If you are going to have that kind of feasting proposition, send a little of it back to the States from which it came.

Mr. SPENCER. Mr. President—

Mr. TRAMMELL. I yield to the Senator from Missouri.

Mr. SPENCER. May I ask the Senator from Florida why he thinks that any of the tax that is proposed to be levied upon those who shoot ducks should go back to the school fund of a State? The purpose was to get revenue which would protect migratory birds. I can see the logic of a proposition that it should go back to the game protection fund of the State.

Mr. TRAMMELL. It is just as broad as it is long in a way, but the school fund is the best fund of a State, and it was always my policy when a State officer to divert everything possible to the school fund. This is merely following out a habit of mine. When we enacted the game law in our State I advocated that a certain percentage of it should go to the rural-school fund. It was of quite a little assistance to the schools. I do not know of anything better than to place funds of this character, derived in this way, into the State school funds.

Mr. SPENCER. Of course, the Senator will see that that absolutely tends to kill the bill—by a gentle process, it is true, but it kills it just the same—because the purpose of the bill is to provide a fund to increase the number of migratory birds and to safeguard their breeding places and their assembling places. If we take away from that fund the license proposed, which is the sole source of the fund, of course the whole object of the bill would be defeated.

Mr. TRAMMELL. It would only take away 50 per cent of it, and then there would be a million or two million dollars a year with which these bureaus which are to administer it and the officers who are to participate in the expenditure could proceed as they chose and have a good healthy fund to use in developing such preserves.

Mr. SPENCER. But if you cut a man in two his chances of life are not very good.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Florida [Mr. TRAMMELL].

Mr. NEW. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, I wish to say just a word with reference to the pending amendment. As the bill now stands there is no purpose in it of raising revenue except as it is incidental to the purpose of the bill, which is the preservation of migratory birds. If the amendment of the Senator from Florida is adopted the bill does clearly become a revenue measure. If his amendment be adopted, the Senator from Florida will kill the bill, because the Senate, as every Senator knows, can not under the Constitution originate revenue measures. Now, will not the Senator from Florida be frank about it and say he wishes to kill the bill by his amendment? Is it not better if we are going to kill the bill to kill it openly and frankly by a vote when we reach that stage in its consideration? I hope the amendment will be defeated.

Mr. POMERENE. Mr. President, if I may, I wish to ask the Senator from Wisconsin a question. The Senator has properly stated the fact when he has said that the bill is only incidentally for revenue purposes; but there will be a given amount of revenue raised under the bill, and if that is only an incidental purpose, why is that incidental purpose destroyed simply because the fund may be divided in two?

Mr. LENROOT. Because when the fund is divided in two and one-half of the fund is devoted to an object which has no connection with the purpose of the bill, which is the protection of migratory birds, and one-half of the revenue is put into the Treasury for a general purpose, I am sure the Senator

from Ohio will agree with me that it becomes a revenue bill. If we say that one-half of the amount derived shall be paid to the States for school purposes, the bill would thereby lose its character as providing revenue purely incidentally to carrying out the purpose of the bill, and would become to that extent a measure for general revenue purposes.

Mr. TRAMMELL. Mr. President, I disagree with the Senator from Wisconsin. I do not think the amendment would have the effect as contended at all. We find that in section 4 the bill provides—

That all moneys received from the sale of such licenses shall be covered into the Treasury and shall constitute a special fund—

And so on. Then the bill provides different methods by which the fund may be disposed of. I merely seek to provide an additional method of disposition of the fund. I do not think that that would make the bill come within the purview of a revenue measure unless it already be a revenue measure. My purpose and object in offering the amendment is entirely sincere, for I feel that if we adopt the policy proposed to be carried forward in the bill certainly the fund should be apportioned in the way which I propose.

Mr. CARAWAY. May I ask the Senator from Florida a question?

Mr. TRAMMELL. Yes.

Mr. CARAWAY. Where does the Senator find the distinction in the Constitution that if money be used to protect a rabbit it is constitutional, but if it be used to protect a child it is unconstitutional?

Mr. TRAMMELL. I have not discovered that.

Mr. CARAWAY. I am curious to know how such a distinction may be made.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. KENDRICK (when his name was called). I transfer my pair with the Senator from Illinois [Mr. McCORMICK] to the Senator from Montana [Mr. MYERS], and vote "nay."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Connecticut [Mr. McLEAN], and vote "nay."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is absent on account of important business at home.

Mr. CARAWAY (after having voted in the affirmative). I have a general pair with the junior Senator from Illinois [Mr. McKINLEY]. I transfer that pair to the junior Senator from Rhode Island [Mr. GERRY], and let my vote stand.

Mr. SHIELDS. I inquire if the Senator from Maine [Mr. HALE] has voted?

The PRESIDING OFFICER (Mr. STERLING in the chair). He has not.

Mr. SHIELDS. I transfer my pair with that Senator to the Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

Mr. WALSH of Montana. I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Texas [Mr. CULBERSON], and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Arizona [Mr. CAMERON] and allow my vote to stand.

Mr. DILLINGHAM (after having voted in the negative). I inquire whether the Senator from Virginia [Mr. GLASS] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. I transfer my pair with that Senator to the junior Senator from Pennsylvania [Mr. REED] and allow my vote to stand.

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the Senator from New Mexico [Mr. BURSUM] and permit my vote to stand.

Mr. WATSON (after having voted in the negative). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Oregon [Mr. STANFIELD] and permit my vote to stand.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];



The Senator from Nevada [Mr. ODDIE] with the Senator from Missouri [Mr. REED];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING].

The result was announced—yeas 19, nays 36, as follows:

## YEAS—19.

Ashurst	Harris	Pomerene	Swanson
Caraway	Heflin	Ransdell	Trammell
Dial	McKellar	Sheppard	Walsh, Mass.
Fletcher	Overman	Shields	Walsh, Mont.
George	Pittman	Smith	

## NAYS—36.

Borah	Harrell	Moses	Spencer
Brandagee	Jones, Wash.	Nelson	Sterling
Brookhart	Kendrick	New	Sutherland
Calder	Keyes	Nicholson	Townsend
Capper	Ladd	Norbeck	Wadsworth
Curtis	La Follette	Page	Warren
Dillingham	Lenroot	Pepper	Watson
Ernst	Lodge	Phipps	Weller
France	McNary	Smoot	Willis

## NOT VOTING—40.

Ball	Fernald	Kellogg	Poindexter
Bayard	Frelinghuysen	King	Reed, Mo.
Broussard	Gerry	McCormick	Reed, Pa.
Bursum	Glass	McCumber	Robinson
Cameron	Gooding	McKinley	Shortridge
Colt	Hale	McLean	Simmons
Culberson	Harrison	Myers	Stanfield
Cummins	Hitchcock	Norris	Stanley
Edge	Johnson	Oddie	Underwood
Elkins	Jones, N. Mex.	Owen	Williams

So Mr. TRAMMELL's amendment was rejected.

Mr. CARAWAY. Mr. President, I move to strike out all after the word "person" on line 10, page 2, down to and including the word "abode," in line 15, and to insert the words "except those who shall hunt on a public shooting ground or Government game preserve."

The VICE PRESIDENT. The motion is not in order, as the amendment is to an amendment which has been agreed to.

Mr. CARAWAY. As I understand, the vote by which the original amendment was agreed to was reconsidered, and that amendment has never been agreed to.

The VICE PRESIDENT. The Chair is informed that the amendment has been agreed to.

Mr. CARAWAY. I am sure that the Senator from South Carolina [Mr. DIAL] offered an amendment to that amendment a few moments ago, and there has been no vote on agreeing to the amendment as amended. The amendment of the Senator from South Carolina was to strike out the word "farm."

The VICE PRESIDENT. The Chair recalls putting the motion.

Mr. NEW. That is correct, and the record so shows.

The VICE PRESIDENT. Of course the Senator from Arkansas may move to reconsider the vote whereby the amendment as amended was agreed to.

Mr. CARAWAY. Then, Mr. President, I ask unanimous consent to reconsider the vote whereby the amendment as amended was agreed to for the purpose of offering the amendment I have suggested. I have been discussing an amendment to the amendment and I was positive that the amendment as amended had not been finally disposed of.

Mr. NEW. The record will show that the amendment as amended was adopted.

Mr. CARAWAY. I am sure that the Senator from Indiana will have no objection to my offering the amendment which I desire to offer.

Mr. NEW. If it is another amendment I shall not object.

Mr. CARAWAY. It is another amendment. I am trying to make that clear.

Mr. SMOOT. Does it relate to the word "farm"?

Mr. CARAWAY. It has nothing to do with the word "farm."

Mr. NEW. That amendment was adopted. Why does the Senator want to have the vote reconsidered and have it adopted over again?

Mr. CARAWAY. My amendment has nothing to do with the word "farm." I have given notice that I was going to offer the amendment which I now propose. I have been sitting here all the time, and I do not know when the amendment as amended was agreed to, although I recall when the amendment of the Senator from South Carolina as to the word "farm" was adopted. I am asking now to be permitted to offer this amendment: After the word "person," on line 10, strike out all down to and including the word "abode," on line 15, and

insert "except those who shall hunt on a public shooting ground or Government preserve," which would make the sentence read:

That such license shall not be required to be procured by any person except those who shall hunt on a public shooting ground or Government preserve.

The VICE PRESIDENT. The Chair understands that the Senator from Arkansas asks unanimous consent that the vote by which the Senate adopted the amendment as amended shall be considered as reconsidered.

Mr. NEW. I shall object to that, Mr. President.

Mr. CARAWAY. Then I will move, Mr. President, to reconsider the amendment, so that I may offer this amendment.

Mr. NEW. Mr. President, of course I have no objection to the Senator offering any amendment that he has in mind to offer. I am not seeking to obstruct that. I do not want anything to be done which amounts to undoing what has already been done; that is all. We have made progress. If it is necessary to reconsider this amendment in order to permit the Senator to offer any other amendment, I shall not object.

Mr. CARAWAY. That is very kind of the Senator.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. CARAWAY. No; the Senator from Indiana withdrew his objection.

The VICE PRESIDENT. Does the Senator withdraw his objection?

Mr. NEW. I withdrew my objection to the reconsideration of the vote by which the paragraph as amended was adopted.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. The Senator from Arkansas proposes, on page 2, line 10, to strike out of the amendment heretofore agreed to the following words:

or by any member of his immediate family for the purpose of hunting, pursuing, shooting, capturing, or killing any such migratory bird on any land owned by such person or occupied by him as his place of permanent abode.

And insert the following words:

except those who shall hunt on a public shooting ground or game preserve.

Mr. CARAWAY. Mr. President, the amendment as offered leaves every provision of the bill with reference to the acquiring and maintaining of hunting preserves and breeding grounds that the bill now contains. It gives them everything that is asked for in the bill except the right to require a license upon the part of those who never will go upon the game preserves for the purpose of hunting.

I want to say to the Senator from Indiana that I shall have no objection to his bill if the amendment shall be adopted. I am perfectly willing that the Government shall have the authority to establish shooting preserves to protect the wild migratory game of this country. In my own State there are some already established. I have no objection to them. There are other grounds that are sought to be converted into bird preserves to care for migratory birds. I am entirely willing that that shall be done. I am only asking that the man who never will go upon one shall not be specially taxed for the purpose of purchasing and maintaining a preserve upon which he never will be permitted to hunt.

It is not sportsmanlike, if I may be permitted to say it—and that has gotten to be a term much used in this debate—to tax a boy, I will say, in Georgia who wants to go out with a single-barreled shotgun and shoot game in Georgia in season under the Government regulations, to create a fund to buy a bird preserve in my State for the sportsmen in my State to hunt migratory birds. Let the man who is to enjoy the benefit of it pay for it.

I have no objection to bird preserves. I have tried to make that exceedingly plain. I have no objection to any provision of the bill except the annoyance incident to it, and the expense of taxing people for a privilege they never enjoy. It is a matter of just common fairness. It is little, but here is what happens: When a question becomes too small to argue about, it is just the kind of a question to become angry about; and it does not seem to me right to tax every man everywhere who may want to enjoy for 15 minutes what heretofore has been considered an American citizen's right to hunt in his own community, and require him first to procure a Federal license, and if he should hunt ignorantly, or should otherwise fail to do it, he may be arrested and fined \$500 and be imprisoned in the county jail for six months, or both, for exercising a



right that he believes we got with the very Declaration of Independence.

I want to preserve the wild life of this country, though I am not a hunting man. I am not like the Senator from Indiana, and I am sorry that I am not. He enjoys hunting. I used to hunt, but the time, the opportunity, and the means have been taken from me and I do not hunt. I want to see something of the wild life preserved for our children that are to come after us; but I do not want to perpetrate an injustice and make every man feel that we have perpetrated an injustice upon him by requiring him to contribute to a fund to build up a public shooting ground that he never will see, and that he could not use if he could see it.

I do not question the intention of the Senator from Indiana to be absolutely fair about this matter, because I know he wants to be fair about it. Whatever I said to the contrary a while ago was facetious. I know he wants to be accurate also. I know that somebody has given him a lot of misinformation. For instance, he undertook to say what the hunting law of my own State is, and he is not well informed, but that is no reflection on him. At one time I used to be "persecuting attorney" in that district—that is what they called me—and I got everybody that plead guilty while I was in office. I remember that at one time we had almost every city official from Senator SPENCER's home city in the toils as nonresident hunters. It was more profitable for the country constables to hunt nonresident hunters than it was to hunt other wild game in that country. I remember that the coroner of St. Louis fell twice into my tender mercies and paid a fine each time.

The State has a right under its police power to regulate the privilege of taking game within the State. Nearly every State has exercised that police power to regulate the taking of wild game. My State has undertaken to do it. Many changes have been made in it from time to time. At one time a few counties permitted nonresidents to hunt provided they pay for a license. Other counties did not permit them to hunt at all; and the Senator said that if a man chased a migratory rabbit in my State he paid for a license for the privilege. Why, every negro in Arkansas knows that is not so, because that is a regular occupation of theirs, and they never on earth paid for a license for it and they never will. No legislature has been quite so silly in my State as to want to tax a negro a dollar for running a rabbit.

The Federal Government is certainly interfering with the rights of a citizen when it goes as far as this. It met with very general condemnation when the treaty between this country and Canada gave to the Congress what it thought was the constitutional power to enact a Federal game law which gave to the Secretary of Agriculture the power to prescribe the times and places under which and where a hunter might hunt migratory birds. It has been to a certain extent accepted, although there is considerable objection to it now, because it frequently happens, and it does now in the rice belt in my own State, that the time when you may hunt a migratory bird is the time when the migratory bird is somewhere else. You have an open season to hunt, but when you are hunting the bird is already in Canada; you do not have much luck gunning for a bird in a rice field in Arkansas when it is already back on the lakes in northern Canada. Now, however, in addition to this, you want to say that every farm boy—and I happen to have been one at one time—shall, before he can hunt in his immediate locality, go to the postmaster and pay a license fee of \$1 and get a license to hunt, and after he shall have gotten his license he is then threatened with all kinds of pains and penalties. If his twin brother hunts on his license, both of them are likely to go to jail for six months, and their right to hunt at all is taken away from them. The bill is full of this kind of annoying things.

All I want you to do—and let us be sportsmen if you talk about sportsmen—is to say that the man who gets the right to hunt shall pay for it. If you do not want to go to the Public Treasury and get appropriations to buy outright hunting preserves or preserves where the migratory bird may hatch its young and have its resting places, let us let the man who is going to hunt where the money is to be expended pay for it. That is all I want done in this bill, and if you will accept that amendment I shall offer no objection to the bill being passed.

I want to appeal to the Senators who have the power to vote "yes" or "no" just to say whether it is good sportsmanship to say: "We are going to tax a boy who hunts a few days." You say: "It is only a dollar." I suspect that there are Senators sitting here on the floor who can recall the time when a dollar was a considerable sum to them. I hunted a little once. I am sure that my entire hunting outfit was not worth \$1.25. I do not think it cost that much, and yet it was

all that I could afford, and if you had added the license fee I should have been denied the privilege. Beyond that, however, is the annoyance, the petty littleness of taxing everybody for this right to hunt in his own locality.

As I said before, when a thing is too small to argue about it is the size to get angry about. There has been more discontent aroused against Governments, more men have destroyed their reputations by doing little things about which people could not argue and could grow angry, than by doing big things. A big question is always a question that people can argue about, but you can not argue about the petty little thing of taking a dollar away from every boy who hopes to have the privilege of hunting, and putting it into a preserve that he never will see and never can see.

The Senator from Indiana says this is a poor man's bill. That may be true, but it is awfully hard to make a man think he has been made rich by taking his money away from him. You never will make anybody follow that logic. I know that it is not sound. I believe, however, that the Senator from Indiana thinks it is.

He talks about the rich man who can belong to a gun club. This does not take away his exclusive right to belong to a hunting club. It does not give the poor man the right, after he has paid his license fee, to go on the rich man's hunting club grounds; it does not give him a single right he does not now have. It just adds an additional burden.

I want to let the bill stand with everyone of its provisions, to establish breeding grounds and bird refuges, resting places when the birds travel from the North to the South and from the South to the North again. Let us have them; but let us either have the Federal Government bear the expense or have the man who is going to hunt upon the preserve bear it.

Many of my friends hunt on a game preserve in my State, and they are willing to pay what would be reasonable for the privilege. I am perfectly willing to commit them in their absence to pay the fee. I am willing to have the Federal license increased, if it is desired, for those who take advantage of the provisions of this bill. But let us not tax the man who can not take advantage of its provisions.

The Senator from Indiana tried to be facetious and said that if he should go to Arkansas they would put him in jail because he was a Republican. I think that would be a good ground for doing it. But they would not imprison him for that cause.

On Big Lake, in Mississippi County, Ark., there is a game preserve. I owned part of the land that lies along that lake. Yet there is no provision in this law, or in any other law, which would let the Senator from Indiana hunt upon it.

Let us be reasonable about this. Let the Senator accept the amendment, that nobody shall pay except one who shall get the benefit, and there will be no objection to the bill.

Mr. NEW. Mr. President, the Senator from Arkansas proceeds upon the theory of the man out West, that there is no good Indian but a dead Indian. He wants to kill this bill by the adoption of an amendment which would just as effectually kill it as a majority vote against it on the final passage. There can be no public hunting grounds until after the license is provided and the money thereby raised paid for the establishment of that hunting ground, and here is an amendment providing that no license need be taken out except by the man who shoots on the public shooting ground, which is equivalent to saying that you can only collect it from the man who goes to some place which does not exist and which will never exist until after money is provided by that means.

That is all there is to the amendment. It simply means the death of the bill. Of course I hope it will not prevail.

Mr. CARAWAY. I should be perfectly willing to support an amendment the Senator might suggest. Of course he did not intend to be mistaken about it, but there is an appropriation of \$50,000, is there not, which is to be refunded?

Mr. NEW. That will operate in this way: The Government provides \$50,000 to start this thing, which is to be repaid to the Government in 10 annual installments. The \$50,000 is not intended for the purchase of land. The \$50,000 will go for the printing of licenses and getting the machinery in motion to start this project. The \$50,000 is not to go toward the purchase of land.

The Senator speaks with reference to a man having to go to the post office to get his license. The post office is named because I can conceive of no more convenient place for the man to go. There is a post office accessible to practically everybody in the United States, and the man could even get his license through the rural carrier, if he lives off on a rural route, without going to the post office proper. The post office is named because it was thought that would suit the convenience of the man who wants to take the license out.



Mr. CARAWAY. Mr. President, I did not complain about the provision naming the post office as the place where the license could be procured; but the Senator is in error about anyone getting the license from the rural carrier. Of course, it may be that if a man found a duck on a creek in Indiana he would have time to saddle his mule and go to the post office 20 miles away and get a license and come back and find the duck there. The chances are, however, that the duck would be gone. I am not sure you could charm him, under the joy of being shot by a licensee, to wait until the man could get a license and come back and gun him. I say that because it is just as consistent as what the Senator said—that there is no way to put this into operation. The Senator says the \$50,000 is for the printing of licenses. That is not what the bill provides. That is merely a supposition of the Senator from Indiana. But I am perfectly willing to vote for this bill if the Senator will strike out the \$50,000 and put in \$100,000 or \$200,000, or whatever he thinks is a reasonable amount to start his law into operation. However, I suspect he will find that most of the bird preserves that will be established under the bill are on land already Government owned, against which there will be no charge at all. The Senator was in error in saying there are no bird preserves. The only bird preserves I know of are those on lands which were Government lands and which have been set aside for that purpose. There are millions of acres which it is now expected will be used for that purpose. I do not think there is a single acre in contemplation of purchase, because the kind of preserves they want are those lands which are not suitable for cultivation. Wild migratory birds follow watercourses, and therefore the lands are not privately owned, at least not those in my State and in Louisiana and many other places with which I have some little acquaintance. But make your appropriation whatever you think is necessary. It is infinitely fairer to tax everybody, if you are going to levy a tax to protect wild life. It is said that this is not to give the sportsman the joy of hunting but to preserve wild life. It is infinitely better that you should preserve it by a uniform tax than by a little tax, which will annoy everybody.

My amendment would not kill the bill. I hope the bill will die unless the amendment shall prevail.

Mr. SPENCER. Mr. President, there should not be any misunderstanding about the fatal effect of the amendment of the Senator from Arkansas if it were to prevail. The Senator from Arkansas makes it perfectly clear that there must be no license exacted of any man except of those who avail themselves of the shooting ground and the public preserves. There are no shooting grounds and there are no public preserves in existence now; therefore there can be no licenses collected. The only way by which the public preserves and the shooting grounds are to be accomplished in the future is out of the money collected from these licenses, and if licenses are issued only to those who occupy or use something which does not exist, obviously there never will be any fund created and there never will be any shooting ground.

The Senator from Arkansas has either sent to jail or fined so many public officials from my own State—and I have no doubt about the fact that they go down into Arkansas precisely as he says—that I would like to ask if that was not because the law of Arkansas provides that any resident of Arkansas who wants to hunt deer, bear, or turkey must pay \$1.10, and any nonresident who wants to hunt, irrespective of what he hunts, has to pay \$15? I have an idea that our public officials came down there and did not pay the \$15, and the Senator from Arkansas punished them for it.

The Senator is also in error about this amendment killing the bill. There are public hunting grounds, though perhaps not of the kind provided here, because Big Lake is a public game preserve. The Senator shakes his head. Does he take issue with that?

I do not know that lake, but I am sure there are no public hunting grounds or game preserves such as are contemplated in this bill, and such as are mentioned in the Senator's amendment, in existence now.

Mr. CARAWAY. They are in existence. This is what I wanted to say to the Senator from Missouri. Of course, the amendment would not kill the bill. Let the Senator write into the bill whatever sized appropriation he thinks is fair and necessary to establish a shooting ground, and then provide that every dollar that shall come from the licensing of hunters who go upon it shall be returned to the Public Treasury to reimburse this fund. It would not kill the bill, and we should not want to pass it by some statement that is not quite accurate. It is not my intention to kill the bill. I say frankly that I should like to see game preserves established. I want to see wild life preserved. I would like to see my State legis-

lature very much restrict the right to kill game in that State, and I hope it will do it. I want to see the wild life preserved for our children who come after us. But let us do it without harassing everybody to death. Make the appropriation whatever is thought fair and reasonable to establish the game preserves, and then provide that every dollar that shall be paid by a licensee who goes upon the preserves shall be used—just as is provided here—for policing the preserve, and building shelters, and that the rest shall go back to the Federal Government. I would be perfectly willing to support that sort of an amendment.

Mr. SPENCER. The bill ought to produce between a million and three million dollars, and obviously an appropriation of that size, even to be reimbursed from the licenses, would be very difficult to secure. I defer very much to the judgment of the Senator from Arkansas on the laws of Arkansas, but I read from the general statutes of Arkansas. This is not applicable to the counties; it applies to the entire State:

For a resident to hunt deer, bear, or turkey, \$1.10; for a nonresident of the State to hunt, \$15.

That is the quotation.

Mr. CARAWAY. I want to say to the Senator that if he thinks that law will protect him in my county, he will discover he is in error, if he should go down there.

Mr. SPENCER. I think the Senator is right.

Mr. CARAWAY. That is the general law; but each county may exempt itself from the general provisions of the law. There is no question about the information of the Senator being accurate as far as it goes, and I am not trying to be critical of the Senator or to leave that impression in his mind. Each county may determine that for itself, and some counties may avail themselves of that right. In some counties you could hunt with a license, and in some you could not. I have no criticism to make of the Senator's statement, and I do not want to kill his bill; but if it is to cost \$3,000,000 a year to establish the game preserves, that \$3,000,000 will have to come out of somebody's pocket, and \$2,500,000 of it will come out of the pockets of the people of this country, usually the farmers, who never will see one of the game preserves.

Mr. PITTMAN. Mr. President, as I understand it, the object of the proposed license is not to raise money at all. The real object of the license is to control the shooting of migratory birds. It is a method of control that is used a great deal and in many ways. It is absolutely useless to pass a measure of this kind without giving unlimited authority to some one to make rules and regulations. In this instance that power is given to the Secretary of Agriculture and the Postmaster General. With the power that is given in the bill over licenses they can, by forfeiting a license, absolutely deny eternally a citizen of the country the right to shoot migratory birds. It is a tremendous power.

The bill does confer power to make rules and regulations. It states that such rules and regulations shall become a part of the license. They can provide that on the violation of any one of the rules, technical or not, insignificant if you please, that from that time on the license is forfeited and never again can that licensee obtain another license. That tremendous power may be necessary to protect the game preserves, the game refuges, and public shooting grounds, but there is no reason for the granting of such tremendous power throughout the entire country and even on private preserves. For that reason I favor the amendment giving unlimited power, as it does in the bill, for making the rules and regulations only with regard to public shooting grounds and game and bird refuges. But I am very much opposed to giving the unlimited power.

If I thought it necessary to raise the money to buy any of the preserves, I would consider very seriously the proposition of a license, but I know it is unnecessary. I know the Government has been establishing game preserves and breeding grounds on its public domain. It has a tremendous lot of that land very eminently proper to be used and entirely fitted for this purpose. It is a matter of fact that it is hardly necessary to purchase much land now for the purpose.

The real point is that the license is wanted so as to have unlimited control over the shooting of migratory birds, and it is the only way it can be had. We have a law to-day which makes it a crime to shoot migratory birds out of season or to shoot them at certain times of the night or after dark. Those provisions are working very successfully, but those who are interested are not satisfied with that power, and are not satisfied with court punishment. What they want is a bureau to have the power to deny a license to the citizens of the country. It may be all right to grant them that power with regard to Government lands and Government preserves, but



it is a tremendous power to grant them with regard to all the lands of the country.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. CARAWAY] to the amendment as amended.

Mr. CARAWAY. Let us have the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement with reference to my pair and its transfer, I vote "yea."

Mr. ERNST (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the Senator from New Mexico [Mr. BURSUM] and vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as before with reference to my pair, I vote "nay."

The roll call was concluded.

Mr. HARRISON. On this vote I am paired with the junior Senator from West Virginia [Mr. ELKINS]. I am unable to obtain a transfer, and therefore withhold my vote. If permitted to vote, I would vote "yea."

Mr. KENDRICK (after having voted in the affirmative). I have already voted, but I wish to announce that I have a general pair with the Senator from Illinois [Mr. McCORMICK]. I transfer that pair to the junior Senator from Delaware [Mr. BAYARD] and allow my vote to stand.

Mr. JONES of New Mexico. I transfer my general pair with the Senator from Maine [Mr. FERNALD] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. SUTHERLAND. Making the same announcement as on the previous vote with reference to my pair and transfer, I vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING];

The Senator from Nevada [Mr. ODDIE] with the Senator from Missouri [Mr. REED]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 18, nays 32, as follows:

#### YEAS—18.

Caraway	Harris	Overman	Shields
Dial	Heflin	Pittman	Smith
Fletcher	Jones, N. Mex.	Pomerene	Swanson
George	Kendrick	Ransdell	
Glass	McKellar	Sheppard	

#### NAYS—32.

Ball	Gooding	Moses	Poindexter
Brandegge	Harrell	Myers	Smoot
Brookhart	Jones, Wash.	Nelson	Spencer
Calder	Ladd	New	Sterling
Capper	La Follette	Nicholson	Sutherland
Curtis	Lenroot	Norbeck	Townsend
Dillingham	Lodge	Pepper	Wadsworth
Ernst	McNary	Phipps	Willis

#### NOT VOTING—45.

Ashhurst	France	McKinley	Stanley
Bayard	Frelinghuysen	McLean	Trammell
Borah	Gerry	Norris	Underwood
Broussard	Hale	Oddie	Walsh, Mass.
Bursum	Harrison	Owen	Walsh, Mont.
Cameron	Hitchcock	Page	Warren
Colt	Johnson	Reed, Mo.	Watson
Culberson	Kellogg	Reed, Pa.	Weller
Cummins	Keyes	Robinson	Williams
Edge	King	Shortridge	
Elkins	McCormick	Simmons	
Fernald	McCumber	Stanfield	

So Mr. CARAWAY's amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. NEW. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. NEW. Following the defeat of the amendment proposed by the Senator from Arkansas a while ago, was the amendment to which that referred agreed to as amended?

The VICE PRESIDENT. It was; and it has just been re-adopted. The bill is before the Senate as in Committee of the

Whole and open to amendment. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. NEW. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CARAWAY (when his name was called). Making the same announcement with reference to my pair and transfer, I vote "nay."

Mr. ERNST (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from New Mexico [Mr. BURSUM] and vote "yea."

Mr. HARRISON (when his name was called). On this question I have a pair with the junior Senator from West Virginia [Mr. ELKINS]. I understand that if he were present he would vote "yea." If permitted to vote, I would vote "nay." In his absence I withhold my vote.

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "nay."

Mr. KENDRICK (when his name was called). Making the same announcement as before in reference to the transfer of my pair, I vote "yea."

Mr. LODGE (when his name was called). Making the same announcement as before in reference to my pair and its transfer, I vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). My colleague [Mr. SIMMONS] is absent on important business. He is paired with the Senator from Minnesota [Mr. KELLOGG].

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. COLT] to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

The roll call was concluded.

Mr. SHIELDS. I transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. FRELINGHUYSEN (after having voted in the affirmative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Pennsylvania [Mr. REED] and allow my vote to stand.

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from North Dakota [Mr. McCUMBER] with the Senator from Utah [Mr. KING];

The Senator from Nevada [Mr. ODDIE] with the Senator from Missouri [Mr. REED]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Mississippi [Mr. WILLIAMS].

I also desire to announce that the Senator from Connecticut [Mr. McLEAN] is necessarily absent, and, if present, he would vote "yea."

The result was announced—yeas 36, nays 17, as follows:

#### YEAS—36.

Ball	Frelinghuysen	Moses	Smoot
Brandegge	Gooding	Nelson	Spencer
Brookhart	Harrell	New	Sterling
Calder	Kendrick	Nicholson	Sutherland
Capper	Ladd	Norbeck	Townsend
Curtis	La Follette	Pepper	Wadsworth
Dillingham	Lenroot	Phipps	Warren
Ernst	Lodge	Poindexter	Weller
Fletcher	McNary	Pomerene	Willis

#### NAYS—17.

Caraway	Heflin	Pittman	Swanson
Dial	Hitchcock	Ransdell	Trammell
George	Jones, N. Mex.	Sheppard	
Glass	McKellar	Shields	
Harris	Overman	Smith	

#### NOT VOTING—42.

Ashurst	Colt	France	Kellogg
Bayard	Culberson	Gerry	Keyes
Borah	Cummins	Hale	King
Broussard	Edge	Harrison	McCormick
Bursum	Elkins	Johnson	McCumber
Cameron	Fernald	Jones, Wash.	McKinley



McLean	Page	Simmons	Walsh, Mont.
Myers	Reed, Mo.	Stanfield	Watson
Norris	Reed, Pa.	Stanley	Williams
Oddie	Robinson	Underwood	
Owen	Shortridge	Walsh, Mass.	

So the bill was passed.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 7, 1922, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate December 6, 1922.*

##### MEMBERS OF THE UNITED STATES COAL COMMISSION.

The following-named persons to be members of the United States Coal Commission:

John Hays Hammond, of the District of Columbia.  
Thomas Riley Marshall, of Indiana.  
Samuel Alschuler, of Illinois.  
Clark Howell, of Georgia.  
George Otis Smith, of Maine.  
Edward T. Devine, of New York.  
Charles P. Neill, of the District of Columbia.

##### COMPTROLLERS OF CUSTOMS.

Walter L. Cohen, of New Orleans, La., to be comptroller of customs in customs collection district No. 20, with headquarters at New Orleans, La., in place of Albert W. Newlin, resigned.

Clinton O. Richardson, of Baltimore, Md., to be comptroller of customs in customs collection district No. 13, with headquarters at Baltimore, Md., in place of W. Mitchell Digges, resigned.

##### COLLECTORS OF CUSTOMS.

George V. Denny, of Savannah, Ga., to be collector of customs for customs collection district No. 17, with headquarters at Savannah, Ga., in place of David C. Barrow, Jr., superseded.

Louis M. Hall, of St. Louis, Mo., to be collector of customs, collection district No. 45, with headquarters at St. Louis, Mo., in place of Fountain Rothwell, whose term of office expired October 31, 1922.

##### PROMOTION IN THE COAST GUARD.

Cadet Engineer Herman H. Curry to be ensign (engineering) in the Coast Guard of the United States, to rank as such from September 30, 1922. Cadet Curry has passed the examination required by law.

##### PUBLIC HEALTH SERVICE.

The following-named officers in the Public Health Service:

Dr. Octavius M. Spencer to be assistant surgeon, to rank as such from October 5, 1922.

Asst. Surg. Richard B. Norment to be passed assistant surgeon, to rank as such from September 23, 1922.

Passed Asst. Surg. Robert L. Allen to be surgeon, to rank as such from September 22, 1922.

Passed Asst. Surg. Ora H. Cox to be surgeon, to rank as such from September 21, 1922.

Passed Asst. Surg. Marion S. Lombard to be surgeon, to rank as such from September 21, 1922.

Passed Asst. Surg. Carl Michel to be surgeon, to rank as such from September 22, 1922.

Passed Asst. Surg. William F. Tanner to be surgeon, to rank as such from September 21, 1922.

Passed Asst. Surg. William C. Witte to be surgeon, to rank as such from September 22, 1922.

Passed Asst. Surg. James F. Worley to be surgeon, to rank as such from September 25, 1922.

##### PROMOTIONS IN THE REGULAR ARMY.

###### VETERINARY CORPS.

###### To be majors.

Capt. Herbert Stephens Williams, from November 9, 1922.

Capt. Alfred Lewis Mason, from November 13, 1922.

###### To be first lieutenant.

Second Lieut. Jack Glendon Fuller, from November 25, 1922.

###### MEDICAL ADMINISTRATIVE CORPS.

###### To be first lieutenant.

Second Lieut. John Dennis Foley, from November 30, 1922.

#### POSTMASTERS.

##### ALABAMA.

Marion F. Boatwright to be postmaster at Ashville, Ala., in place of B. B. Cather. Incumbent's commission expired March 16, 1921.

Frank F. Crowe to be postmaster at Montevallo, Ala., in place of C. E. Hoskin. Incumbent's commission expired September 5, 1912.

##### CALIFORNIA.

Frederick Weik to be postmaster at Glendora, Calif., in place of M. A. Miller. Incumbent's commission expired September 5, 1922.

Phyllis V. Henry to be postmaster at King City, Calif., in place of G. H. Winckler, deceased.

##### GEORGIA.

Afley M. Cherry to be postmaster at Donalsonville, Ga., in place of A. M. Cherry. Incumbent's commission expired September 28, 1922.

George H. Broome to be postmaster at Pavo, Ga., in place of T. E. Dixon, removed.

Dana M. Lovvorn to be postmaster at Richland, Ga., in place of M. B. Brown. Incumbent's commission expired September 28, 1921.

Frank H. Moxley to be postmaster at Wadley, Ga., in place of E. A. Speir. Incumbent's commission expired September 26, 1922.

William L. Black to be postmaster at Allenhurst, Ga. Office became presidential October 1, 1922.

##### ILLINOIS.

Lloyd D. Wood to be postmaster at Batavia, Ill., in place of John Geiss. Incumbent's commission expired February 4, 1922.

Benjamin F. Manley to be postmaster at Harvard, Ill., in place of M. F. O'Connor. Incumbent's commission expired February 4, 1922.

Walter A. Leigh to be postmaster at Jerseyville, Ill., in place of J. E. Cory, resigned.

Fred H. Stevens to be postmaster at LaGrange, Ill., in place of F. H. Stevens. Incumbent's commission expired October 24, 1922.

William C. Roodhouse to be postmaster at Roodhouse, Ill., in place of F. L. Thompson. Incumbent's commission expired March 16, 1921.

Evan M. Klock to be postmaster at Sheffield, Ill., in place of C. E. Wescott. Incumbent's commission expired October 24, 1922.

Thomas A. Brown to be postmaster at Sparta, Ill., in place of R. C. Probasco. Incumbent's commission expired October 24, 1922.

Edward S. Bundy to be postmaster at Thompsonville, Ill., in place of R. A. Thompson. Incumbent's commission expired October 24, 1922.

Joseph E. Shantz to be postmaster at Wilmette, Ill., in place of W. E. Hess. Incumbent's commission expired February 4, 1922.

##### INDIANA.

Stella D. Evans to be postmaster at Russellville, Ind. Office became presidential April 1, 1921.

##### IOWA.

Frank B. Moreland to be postmaster at Ackley, Iowa, in place of G. F. Althouse, resigned.

Anna Reardon to be postmaster at Auburn, Iowa, in place of Anna Reardon. Incumbent's commission expired September 5, 1922.

George C. Lloyd to be postmaster at Dallas Center, Iowa, in place of S. A. Sumner. Incumbent's commission expired September 5, 1922.

Frank P. Rotton to be postmaster at Essex, Iowa, in place of A. T. Johnson. Incumbent's commission expired September 5, 1922.

George F. Monroe to be postmaster at Fairbank, Iowa, in place of W. M. Higbee. Incumbent's commission expired September 5, 1922.

Guy A. Whitney to be postmaster at Hubbard, Iowa, in place of F. C. Boeke. Incumbent's commission expired January 24, 1922.

Albert Lille to be postmaster at Lake View, Iowa, in place of Albert Lille. Incumbent's commission expired September 5, 1922.

Leona S. Kay to be postmaster at Merville, Iowa, in place of Daniel Fitzpatrick. Incumbent's commission expired September 5, 1922.



Leslie H. Bell to be postmaster at Paullina, Iowa, in place of L. H. Bell. Incumbent's commission expired September 5, 1922.

George Sampson to be postmaster at Radcliffe, Iowa, in place of G. W. Jones. Incumbent's commission expired September 5, 1922.

Cecil E. Wherry to be postmaster at Wyoming, Iowa, in place of S. H. Brainard. Incumbent's commission expired September 5, 1922.

## KANSAS.

Robert E. Wright to be postmaster at Satanta, Kans. Office became presidential July 1, 1920.

Ferdinand C. Stuewe to be postmaster at Alma, Kans., in place of R. E. Thoes, resigned.

Phillip F. Grout to be postmaster at Almena, Kans., in place of W. T. Hayes. Incumbent's commission expired September 13, 1922.

Jacob L. Ritter to be postmaster at Bronson, Kans., in place of T. D. Webster. Incumbent's commission expired September 13, 1922.

Norman W. Nixon to be postmaster at Downs, Kans., in place of J. H. Rathbun, resigned.

Delle Duncan to be postmaster at Esbon, Kans., in place of Edward Grauerholz, removed.

David A. Nywall to be postmaster at Formoso, Kans., in place of L. M. Crans. Incumbent's commission expired September 13, 1922.

Gordon K. Logan to be postmaster at Kirwin, Kans., in place of J. J. Landes. Incumbent's commission expired September 13, 1922.

Louella M. Holmes to be postmaster at Mound City, Kans., in place of A. M. Markley. Incumbent's commission expired September 13, 1922.

Walter R. Dysart to be postmaster at Parker, Kans., in place of W. C. Dysart. Incumbent's commission expired September 13, 1922.

Bessie W. Brennan to be postmaster at Strong, Kans., in place of W. P. Rettiger. Incumbent's commission expired September 13, 1922.

William B. Hart to be postmaster at Westmoreland, Kans., in place of J. H. Plummer. Incumbent's commission expired September 13, 1922.

## KENTUCKY.

Robert B. Waddle to be postmaster at Somerset, Ky., in place of R. L. Brown. Incumbent's commission expired October 3, 1922.

## LOUISIANA.

Frank M. Caldwell to be postmaster at Robeline, La., in place of F. M. Caldwell. Incumbent's commission expired September 13, 1922.

## MAINE.

Thomas R. McPhail to be postmaster at Thomaston, Me., in place of F. B. Hills, resigned.

## MARYLAND.

Earl H. Ault to be postmaster at Accident, Md. Office became presidential April 1, 1922.

Howard J. Fehl to be postmaster at Smithsburg, Md., in place of D. O. Pound. Incumbent's commission expired September 5, 1922.

## MASSACHUSETTS.

Lora T. Smith to be postmaster at Feeding Hills, Mass. Office became presidential July 1, 1922.

Alice D. Robbins to be postmaster at Littleton, Mass., in place of C. A. Kimball, resigned.

## MICHIGAN.

Euretta B. Nelson to be postmaster at Climax, Mich. Office became presidential January 1, 1921.

Claude W. Till to be postmaster at Mears, Mich. Office became presidential July 1, 1922.

Robert Ryan to be postmaster at Bronson, Mich., in place of A. L. Locke. Incumbent's commission expired September 13, 1922.

Benjamin B. Gorman to be postmaster at Coldwater, Mich., in place of Leroy Palmer. Incumbent's commission expired September 13, 1922.

John S. Hamlin to be postmaster at Eaton Rapids, Mich., in place of J. H. Gallery. Incumbent's commission expired September 13, 1922.

Ward B. Schlichter to be postmaster at Gladwin, Mich., in place of C. B. Wilmot. Incumbent's commission expired September 13, 1922.

Martin H. King to be postmaster at Homer, Mich., in place of S. C. Eslow. Incumbent's commission expired September 13, 1922.

William C. Truman to be postmaster at Luther, Mich., in place of George Cutler. Incumbent's commission expired September 13, 1922.

Norman A. McDonald to be postmaster at Newaygo, Mich., in place of S. D. Bonner. Incumbent's commission expired September 13, 1922.

Harold T. Hill to be postmaster at Pentwater, Mich., in place of W. E. Hodges. Incumbent's commission expired September 13, 1922.

Charles T. Fillmore to be postmaster at Quincy, Mich., in place of Clinton Joseph. Incumbent's commission expired September 13, 1922.

Richard Bolt to be postmaster at Standish, Mich., in place of M. D. Snow, resigned.

## MINNESOTA.

Edward R. Bell to be postmaster at Akely, Minn., in place of O. W. Ramsdell. Incumbent's commission expired September 13, 1922.

John O. Gullander to be postmaster at Belgrade, Minn., in place of W. P. Lemmer. Incumbent's commission expired September 13, 1922.

J. Arthur Johnson to be postmaster at Center City, Minn., in place of C. W. Mobeck, deceased.

Joseph H. Seal to be postmaster at Melrose, Minn., in place of J. H. Seal. Incumbent's commission expired January 24, 1922.

Will G. Mack to be postmaster at Plainview, Minn., in place of H. D. Smith. Incumbent's commission expired September 13, 1922.

Mae A. Lovestrom to be postmaster at Stephen, Minn., in place of A. J. Lovestrom, resigned.

Jonas W. Howe to be postmaster at Stewartville, Minn., in place of J. W. Howe. Incumbent's commission expired September 26, 1922.

## MISSISSIPPI.

Amos K. Porter to be postmaster at Boyle, Miss., in place of A. K. Porter. Incumbent's commission expired September 19, 1922.

Sibyl Q. Stratton to be postmaster at Liberty, Miss., in place of S. Q. Stratton. Incumbent's commission expired September 26, 1922.

## MISSOURI.

Clara S. Beck to be postmaster at Norborne, Mo., in place of W. T. Runyan. Incumbent's commission expired September 5, 1922.

Elvin L. Renno to be postmaster at St. Charles, Mo., in place of Casper Ehrhard. Incumbent's commission expired September 5, 1922.

James A. Allison to be postmaster at Waverly, Mo., in place of G. P. Gordon. Incumbent's commission expired December 20, 1920.

## MONTANA.

Clyde C. Richey to be postmaster at Richey, Mont., in place of C. C. Richey. Incumbent's commission expired September 13, 1922.

## NEBRASKA.

Mina R. Tweed to be postmaster at Bassett, Nebr., in place of B. B. Tweed, deceased.

## NEVADA.

Owen H. Bolt to be postmaster at Mason, Nev. Office became presidential October 1, 1922.

## NEW JERSEY.

Clifford G. Hanks to be postmaster at West Englewood, N. J. Office became presidential October 1, 1921.

William G. Z. Critchley to be postmaster at Allendale, N. J., in place of J. W. Winter, resigned.

## NEW YORK.

George O. Leonard to be postmaster at Stamford, N. Y., in place of E. J. Hager, declined.

## NORTH CAROLINA.

Walling D. Vreeland to be postmaster at Fort Bragg (late Camp Bragg), N. C. Office became presidential April 1, 1922.

Ruley G. Wallace to be postmaster at Carthage, N. C., in place of J. E. Muse. Incumbent's commission expired September 5, 1922.

Joseph K. Mason to be postmaster at Durham, N. C., in place of J. O. Lunsford. Incumbent's commission expired September 5, 1922.



Walter G. Gay to be postmaster at Farmville, N. C., in place of B. F. Skinner. Incumbent's commission expired April 6, 1922.

Roy F. Shupp to be postmaster at New Bern, N. C., in place of L. G. Daniels. Incumbent's commission expired January 24, 1922.

Joel A. Johnson to be postmaster at Selma, N. C., in place of J. D. Massey, declined.

#### NORTH DAKOTA.

Charles C. Bohner to be postmaster at Cathay, N. Dak. Office became presidential April 1, 1921.

Paul K. Hanson to be postmaster at Upham, N. Dak. Office became presidential October 1, 1922.

Joseph W. Mahon to be postmaster at Langdon, N. Dak., in place of A. I. Koehmstedt. Incumbent's commission expired September 5, 1922.

#### OHIO.

George R. Warren to be postmaster at Groveport, Ohio, in place of L. W. Carruthers, resigned.

Clarence E. Dowling to be postmaster at Prairie Depot, Ohio, in place of S. D. McDowell. Incumbent's commission expired September 19, 1922.

#### OKLAHOMA.

Martin G. Harrington to be postmaster at Garber, Okla., in place of A. A. Stebbins. Incumbent's commission expired September 13, 1922.

James H. Sparks to be postmaster at Healdton, Okla., in place of C. A. Smith, declined.

Floyd O. Hibbard to be postmaster at Snyder, Okla., in place of J. H. Anderson. Incumbent's commission expired September 13, 1922.

#### OREGON.

Irwin D. Pike to be postmaster at Grass Valley, Oreg., in place of I. D. Pike. Incumbent's commission expired September 5, 1922.

Rodrick A. Chisholm to be postmaster at Monroe, Oreg., in place of R. A. Chisholm. Incumbent's commission expired September 5, 1922.

Otto G. Schneider to be postmaster at Powers, Oreg., in place of G. W. Starr. Incumbent's commission expired September 5, 1922.

Russell H. Sullens to be postmaster at Prairie City, Oreg., in place of R. H. Sullens. Incumbent's commission expired September 5, 1922.

#### PENNSYLVANIA.

Wilson R. Kulp to be postmaster at Hatfield, Pa. Office became presidential April 1, 1920.

Paul R. Majer to be postmaster at Pocono Pines, Pa. Office became presidential April 1, 1922.

Walter L. Brinton to be postmaster at Creighton, Pa., in place of W. F. Yost, failed to qualify.

Harold D. Lowing to be postmaster at Linesville, Pa., in place of C. E. Putnam. Incumbent's commission expired February 4, 1922.

William H. Brosius to be postmaster at Mont Alto, Pa., in place of D. M. Brown. Incumbent's commission expired September 13, 1922.

Smith M. McCreight to be postmaster at Reynoldsville, Pa., in place of H. C. Deible. Incumbent's commission expired January 18, 1919.

Carrie A. Fritz to be postmaster at Rimersburg, Pa., in place of B. B. Stewart. Incumbent's commission expired September 13, 1922.

Annie H. Washburn to be postmaster at Wyncote, Pa., in place of A. H. Washburn. Incumbent's commission expired September 19, 1922.

Joseph G. Hart to be postmaster at Doylestown, Pa., in place of A. K. Anders. Incumbent's commission expired September 13, 1922.

#### SOUTH CAROLINA.

Everett C. Rye to be postmaster at Eastover, S. C., in place of J. P. Lowry, deceased.

George S. McCravey to be postmaster at Liberty, S. C., in place of E. Z. McCravey. Incumbent's commission expired September 19, 1922.

#### SOUTH DAKOTA.

Knute T. Kallander to be postmaster at Burke, S. Dak., in place of L. L. Truesdell. Incumbent's commission expired September 11, 1922.

#### TENNESSEE.

John H. Wilson to be postmaster at Kingston, Tenn., in place of W. F. Holland. Incumbent's commission expired April 8, 1922.

Blanton W. Burford to be postmaster at Lebanon, Tenn., in place of R. R. Doak. Incumbent's commission expired September 5, 1922.

Joseph R. Mitchell to be postmaster at Mascot, Tenn., in place of A. W. Meek, resigned.

#### TEXAS.

Stanley F. Labus to be postmaster at Falls City, Tex. Office became presidential April 1, 1921.

Marvin F. Carroll to be postmaster at Bryan, Tex., in place of W. D. Lawrence. Incumbent's commission expired January 31, 1921.

Jesse D. Starks to be postmaster at Floydada, Tex., in place of F. P. Henry. Incumbent's commission expired September 5, 1922.

Curtis D. Crossman to be postmaster at Garland, Tex., in place of Grace Lemmon. Incumbent's commission expired March 8, 1922.

John H. Wilson to be postmaster at Jacksboro, Tex., in place of J. W. Gaskin. Incumbent's commission expired July 21, 1921.

#### VERMONT.

Flora S. Williams to be postmaster at Charlotte, Vt., in place of W. H. Boardman. Incumbent's commission expired September 19, 1922.

Frank L. Start to be postmaster at Jeffersonville, Vt., in place of F. L. Start. Incumbent's commission expired September 19, 1922.

Perley U. Mudgett to be postmaster at Johnson, Vt., in place of R. H. Royce. Incumbent's commission expired September 19, 1922.

Ralph Gaul to be postmaster at North Bennington, Vt., in place of James McGovern. Incumbent's commission expired September 19, 1922.

Cecil K. Hughes to be postmaster at Saxtons River, Vt., in place of P. H. Harty. Incumbent's commission expired September 19, 1922.

#### VIRGINIA.

Baxter W. Mock to be postmaster at Damascus, Va., in place of Bert Russell, resigned.

Troy D. Rorror to be postmaster at Dublin, Va., in place of J. H. Cecil. Incumbent's commission expired July 21, 1920.

Glenn H. Wheeler to be postmaster at Marion, Va., in place of J. B. Richardson, removed.

Campbell Slemph to be postmaster at Wise, Va., in place of W. H. Lipps, removed.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 6, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou, in whose wisdom and mercy there is neither variable-ness nor shadow of turning, consider and hear us. Continue to teach us that duty is the upper road that leads to God and he who fails wrongs his own happiness, his intellect, and his fellow men. To-day give us the rapture of high encouragement and of a great, glowing outlook upon our country. Keep before us the example and the inspiration of Him who is all of Thee that we can ever know. For Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### TREASURY DEPARTMENT APPROPRIATION BILL.

Mr. MADDEN, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 13180, Report 1264) making appropriations for the Treasury Department for the fiscal year ending June 30, 1924, and for other purposes, which was read a first and second time and, with accompanying papers, was referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNS of Tennessee reserved all points of order.

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 251. A joint resolution providing for the filling of two vacancies that will occur on January 14, 1923, and March 1, 1923, respectively, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

S. 1829. An act for the relief of Walter Runke;